

IS A
UNIVERSAL
MORALITY
POSSIBLE?



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IS A **UNIVERSAL** MORALITY POSSIBLE?

Edited by
FERENC HÖRCHER, BÉLA MESTER
AND ZOLTÁN TURGONYI



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INTRODUCTION

Universal Morality: *Contemporary Socio-Political and Philosophical Stakes*

FERENC HÖRCHER

This essay provides an overview of the stakes of the globalised but disintegrating world of the 21 century. It argues that a hope for moral universalism, which was shared by both the Judeo-Christian tradition and the Enlightened secular view faces serious challenges after 9/11 and Charlie Ebdo. It distinguishes the socio-political and the moral philosophical stakes. As far as the first ones are concerned it argues that in fact globalisation does not solve the problem of contesting cultures, and the world of identity politics does not offer much hope for a more moderate period in global politics. On the other hand, there are signs – for example in the reception of two important political philosophers, John Rawls and Jürgen Habermas – that moral universalism might be a shared platform in the Western intellectual world for both religious and secular views. But certainly contestation is present in this sphere as well, although the political programme of a multicultural cohabitation does not seem to be easily available anymore. That is why a reworking of the basic premises for and against moral universalism seem to be very timely in the present political and intellectual context.

Socio-political overview: a risky, globalised but disintegrating world

If we try to make sense of our contemporary world – and, after all the technical details and terminological tricks, what else is the job of the philosopher? – it is almost impossible to avoid bumping into debates about the need for and the ever recurring doubts about the possibility of a universal (i.e. universally valid) morality. One does not need to be a philosopher to see what makes the question topical. We live in a dangerous world: the official borders of the supposedly sovereign countries do not protect the population even from the most brutal forms of external influences, including (civil?) war, terrorism and war on terror. The dense network of the Internet connects desktops, laptops, iPads and smart phones all around the globe, and their owners or users also connect through these gadgets with the data providers. Television series, popular hits, movie stars and social celebrities, daily fashion, the novelties of information technology and, more generally, the knowledge industry, global sporting events and cultural festivals link people tightly, whether they like it or not. Global industrial production

and the intercontinental financial system secures that no part of the world remain untouched by the effects of global community, including the most disastrous financial crises. Environmental damages, the more and more extreme global climate and epidemics could help us to realise that we need to synchronise our moral vocabulary, moreover, to reconcile the morality of our actions.

Therefore, we know from first-hand experience that this is a risky world, probably since the disassembly of the bipolar global (cold war or) security) system in or around 1990 and even more so since 9/11. For a moment, Fukuyama might have fallen into the illusion that history was over and the liberal paradigm of the West could become the default contemporary social-political arrangement.¹ He thought that the modern Western model of governmental organisation, civil societies and individual lives remained without any competent challengers. That national fury and religious passions came under control in a system based on the efficiency of industrial production, a widening realm of common market and the offers of a globalised consumer society. That financial crises could be avoided by the global community's control over the excessive amplitudes of the financial markets.

However, Fukuyama's illusion has soon been unmasked as such. The terrorist attack on 11th September 2001 against New York's landmark architectural design, the Twin Towers, closely followed by other attacks on American targets, destroyed the philosopher's daydream. "But now all is to be changed. All the pleasing illusions, which made power gentle and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire" of destruction and terror.² Edmund Burke, the 18th century author of these disappointed lines, gave a thrilling account of the spiritual chaos caused by the French Revolution. His words describe the disillusionment of a politician, always hoping to be able to domesticate wild political passions, when confronted with a situation where conflicting political interests and values caused the destruction of the whole moral order of the community. But, incidentally, he was also the author of an aesthetic treatise, which presented in a rather innovative way the conceptual opposition of the aesthetic categories of the beautiful and the sublime. He described the latter category – which obviously fascinated him much more than simple beauty – the following way:

Whatever is fitted in any sort to excite the ideas of pain and danger, that is to say, whatever is in any sort terrible, or is conversant about terrible objects, or operates in a manner analogous to terror, is a source of the sublime; that is, it is productive of the strongest emotion which the mind is capable of feeling.³

¹ Fukuyama 1992

² Burke 1790

³ Burke 1757

The words of the young Burke were based on the assumption that the nature of human beings is universally determined, and this nature cannot be overwritten either by historical or cultural contingencies. This is because humans' character traits are acclaimed to be equally resistant to the helping hand of the most benign creator and the intrusions of the most powerful political tyrants. A similar enlightened conviction of human nature's universal (a priori) endowment led Immanuel Kant to the memorable formulation of his unconditional imperative of the dignity of the human being.

What is related to general human inclinations and needs has a market price; that which, even without presupposing such a need, conforms with a certain taste, has a fancy price; but that which constitutes the condition under which alone something can be an end in itself has not merely a relative value, that is, a price, but an inner value, that is, dignity. Morality, and humanity insofar as it is capable of morality, is that which alone has dignity.⁴

Both Burke's description of passionate political destruction and aesthetic fascination with the experiences of terror and the Kantian teaching of the dignity of the human being and his assertion that the human being is the only creature capable of morality depends on whether there is such a thing as a universal moral order. If we want to see order in a chaotic world – and human beings are created in a way that makes that a returning wish – we seem to need this universal dimension for our beliefs, convictions and final values. It is exactly this dimension that is under attack since 2001. Let us see in what sense.

The challenges of 9/11 and Charlie Hebdo – the socio-political stakes

If there has ever been a terrorist attack that was successful, it was 9/11. It caused a tremendous shock not only to the American public but also, more generally, to the Western world. It reconfigured not only people's perceptions of security and the risks of fundamentalism, but questioned a great deal people's expectations of peaceful cohabitation in colourful multicultural societies. Since then, attacks in London, Paris, Copenhagen and other Western metropolitan centres led politicians to the conclusion that to keep control over the security issues of their country's population they also had to redirect their political strategies in order to calm down people's fears and anxieties. However, the only idea they had in that situation was to strengthen the political bonds on society, returning to the good old Hobbesian solution that order is to be achieved by guaranteeing the Leviathan further means to scare off potential trouble-makers. It seems that the US had some success in that story, since the political culture of that huge country al-

⁴ Kant 1785/1996. 84-85 [cf. GS 4: 434-435]

lows the federal authority to introduce harsh measures to track down potential security threats even by apparently unconstitutional, illegal (or, for that matter, amoral) means. US governmental secret agencies are entitled to do much more than in other Western legal systems, due to their different political conception of secrecy and visibility. The European Union claims to run a legal system primarily based on a strict adherence to human rights (an issue which was first utilised on the level of governmental policy in the US), that is why it cannot use political means to overwrite legal norms, as is repeatedly done in the US. Remember the public outcry when the media released that the US planted some of its camps for suspected terrorists on European soil.

But the post-9/11 world is disconcerted in Europe too, in a number of other ways, and these challenges also question traditional European beliefs in moral universalism. All the leading countries of the Union have – due to rather different historical circumstances – a number of ethnic, religious and cultural groups on their territories who do not share parts of the society's implicit social contract. Since the liberation of the Western public mind – to cut a long story short, as a result of 1968 – this situation (in effect, the break up of more or less centripetal social dynamics) was labelled multiculturalism, and politicians and social activists regarded it as one of the key achievements of European liberal democracy. In a way it seemed to resemble the melting pot metaphor used for the heterogeneity of civil society in the US. However, there seems to be a rather significant difference between these two paradigms. While Americans were always proud of their uncommon origins – i.e. that it is a country of a historically, culturally, ethnically and religiously mixed society –, European societies used to have particular, characteristic, historically moulded identities. This does not mean that these societies were not segmented earlier, but that they had a comparatively strong communal bond, which seems to have been lost. We do not have to recover the post-WW II history of these countries in order to capture the essence of this shift away from communal cohesion to some sort of social disintegration. We do not even need to prove by numbers that the tendency is objectively there. What is required is, first, to show that in these societies there is a perception of disintegration (including a fear of internal conflicts and even of internal terrorism driven by uncompromised internal social conflicts). Further, it needs to be shown that the conflict is at least partially caused by the conflicting moral value systems of these internal groups or at least by the lack of an overarching (meta)ethical value system, which could have united these segregated groups and individuals.

In this respect let me take two events that might be used as historical verifications of the above description. First let me refer to the result of the last elections of European MEPs. Although fears of a dramatic landslide did not prove true, there is a frightful phenomenon to be considered seriously. In 2014 both in the UK and in France the voters' first choices were radical parties that built their success on the fears of external migration and internal ethnic conflicts. The super-nationalistic rhetoric of hatred

and fear used by both the UK's Independence party (UKIP) and France's National Front is a realistic calculation on the part of its leadership that correctly estimates the propensity of the European electorate to vote for parties openly advocating a policy of anti-multiculturalism. Even in Germany there is by now a strong Anti-European movement that builds on the same electoral expectations: Alternative for Germany.

Certainly, it is not surprising that in the European context the fear of alternative cultural, religious or social value-systems is construed against external enemies. However, it is noteworthy that the inner immune systems of these countries seem to be radically weakened by this internal scapegoat-mechanisms, which resembles in a number of ways earlier, rather frightful European phenomena, including ethnic, racial and religious conflicts. On the other hand, in times of economic and financial crisis, when existential risks grow much higher than usual, these fears are expected to rise, so one should not overestimate the significance of the phenomenon.

But the Paris terrorist attack against editors of the satirical weekly magazine *Charlie Hebdo* in early 2015 proves that the danger is imminent, and it is not simply a factually unsupported fear. The murder of the unarmed journalists show that the terrorists think they have a moral cause which can overwrite the humanistic considerations about killing unarmed civilians, accepted and honoured in all developed global civilisations, including the Islam world. Although both the political leaders and the media in the West expressed their solidarity with the journal, obviously there were voices that criticised the practice of the magazine, which has disregarded the religious sensibility of faithful Muslims when it published sacrilegious caricatures on the front page. According to its critics the journal should have taken into consideration that in the Islam world this sort of secular humour is taken as a personal insult against all true believers. Certainly, there is nothing in the sacred documents of Islam that would empower anyone to commit the sort of mass killing that happened in Paris. But a clash of civilizational values is obvious and should not to be denied by neither local, state or European authorities. This is not the place to reopen the debate between Fukuyama and Huntington, which is by now a bit outdated, still, the event seems to strengthen the popular position of Huntington.⁵ Surely, Western moral values are bluntly called into question by the attack. And no one can seriously question that it was directly influenced by the "inspiration of the Islamic State" (IS) and other radical global Islamic organisations, that directly declared war on the West. While neutral experts of the teaching of the Islam claim that there is nothing comparable to this aggression in the teachings of the Quran, without a strong popular support in the Islamic world the aggressors would not have been able to run their deadly attacks.

It is in this context that we have to address the political and moral issues brought up by the well-known phenomenon of multicultural societies in Europe. While ear-

⁵ Huntington 1996

lier liberal minded Europeans cherished the hope that their societies would not be weakened by the acceptance of parallel cultures within the confines of these societies, it is by now evident that the external challenge posed by the Islamic State against Western values did not leave untouched the sentiments and passions of parts of the generations of Islam believers who live inside the political body of certain European countries. Although I am unaware of the exact numbers of this political radicalisation caused with reference to Islam, I think that by now the phenomenon is too obvious to be disregarded. Politicians with a realistic vein did recognise it quite early – for example, Angela Merkel did pronounce *multikulti* to be dead already in 2010.⁶ As the BBC reported, Merkel took a rather strong position, claiming that “the beginning of the 60s our country called the foreign workers to come to Germany and now they live in our country.” She added: “We kidded ourselves a while, we said: ‘They won’t stay, sometime they will be gone’, but this isn’t reality”, “the approach [to build] a multicultural [society] and to live side-by-side and to enjoy each other [...] has failed, utterly failed.” Merkel describes the preferred alternative by the verbs “to integrate” and to “require immigrants to do more to adapt to German society.”⁷ Integration into and adaptation to German society is unquestionably a reference to the wish to return to a shared morality of basic values within the society. This wish is only achievable if Germans present their own value system as one with universal appeal, in order to gain moral ground for convincing immigrants to share the value system of German society. Certainly, Germany was not the only country in which political leadership turned away from the lukewarm liberal ideology of multiculturalism. Both UK’s Prime Minister David Cameron and French president Nicolas Sarkozy came to the same conclusion in early 2011.⁸ Cameron reminded his audience that “a genuinely liberal country ‘believes in certain values and actively promotes them’” and admitted that “We have even tolerated these segregated communities behaving in ways that run counter to our values.” President Sarkozy pronounced: “We have been too concerned about the identity of the person who was arriving and not enough about the identity of the country that was receiving him”. All these political pronouncements only mirror the general public atmosphere that determines public discussion around Europe on matters of immigration and multiculturalism. It is in this context that debates on the recent demand for universal morality needs to be taken into account in contemporary Europe.

⁶ Merkel 2010

⁷ The survey referred to in the article mentions that “more than 30 % of people believed that the country was »overrun by foreigners«”. It also gives a calculation of about 16 million immigrants, out of which 2.5 million is of Turkish origin among the 83 million Germans of 2010.

⁸ See Cameron 2011 and Sarkozy 2011

Moral universalism in Rawls and his critics – the philosophical stakes

But certainly the debate was opened much earlier in the United States. As we have seen, Huntington has foreseen something like what later actually came true. But more generally, political theory in the US had to confront issues of meta-ethics in order to answer the basic questions of the time. There is no space here to give a detailed account of the historical development of debates on the ethical dimensions of social and political theory. However, one needs to see, first of all, that *A Theory of Justice* (1971) by Rawls was indeed an effort to reshape universal morality along the lines of rational choice theory. Rawls must have had strong self-confidence and a firm trust in his own profession when he initiated his programme of a search for the final social structure of justice. Certainly, his whole enterprise is closely connected to post-1968 hopes of a global liberalisation programme in the name of progress and individual self-realisation, and the post 1945 birth of the discourse of universal human rights. In his later life Rawls seems to have realised that he might have gone too far in the universalist direction, projecting American values onto the global community, which is refined in his later works, specifically in *Political Liberalism* (1993), where he admits that his theory is not a “comprehensive conception of the good”.

Rawls had a tremendous impact on political thought in the US in the last quarter of the 20th century and even in the early phase of the 21st one. But his work was seriously challenged, first by the wave of authors usually labelled as communitarians. On the one hand, Alasdair MacIntyre, reworking the virtue ethical experiments of Oxford philosophers, claimed that the age is unable to produce a grand theory in ethics, and therefore there is a need to reintroduce the more traditionalist account of moral values as determined by practice and the virtues in the context of the cultural tradition of society.⁹ This may seem to be a compliance towards then fashionable cultural relativism, but, being an Aristotelian – later Thomist -, MacIntyre does not give up the hope of a realistic universalism, which however is not blind towards local traditions and other historically contingent determinants. Michael Sandel, on the other hand, famously criticised Rawls's hope to arrive – through logical distancing from personal commitments – at the condition of the “unencumbered self”, arguing instead in a quasi-Aristotelian fashion that human agents are necessarily connected with each other in a number of different ways, and any serious accounts of social justice need to take those connections into account instead of trying to disconnect them.¹⁰

Rawls's biased universalism has also been criticised from a neo-republican, neo-humanist viewpoint, represented by authors like Skinner and Petit, but there the contentious issue had no direct link to universalism versus relativism. But there is a further

⁹ MacIntyre 1984.

¹⁰ Sandel 1998.

dimension of recent Rawls-criticism, which is usually referred to as the political realism issue, and this might get back to the universalism question. According to its most often cited authorities, like Bernard Williams and Raymond Geuss, but also including figures like Richard Bellamy, Mark Philp and William A. Galston, political realism seriously questions the legitimacy of a search for universal values and unquestionable, good-for-all solutions in politics. These authors deny the possibility and relevance of a theoretical discourse that looks at politics as a topic which can be approached with the help of an abstract, conceptual language, extracting from it everything that is agonistic, and ossifying it by presenting it as essentially legally predetermined. Also, mainstream liberal theory in the Rawls-Dworkin dialect aims at a non-dynamic representation of politics, looking for a theoretical solution which, when found, would only need to be realised by politicians. For political realists, the realm of politics is an ever-changing arena of conflicts of power groups, who all strive to get hold of power, and for whom problems of justice or fairness are only “political products” that need to be sold, and sold at the highest possible price. In other words, political realists attack Rawls for being a moral universalist, who discounts the real nature of politics, and wants to homogenise political communities on a global scale.

Political theology and Habermas

9/11 gave a great impetus to a reconsideration of the connections between religion and politics. The terrorists attacking public buildings and individual human lives had largely relied on a religious language when they tried to legitimize their own activity, thus, there was an urgent need to reconsider Western theoretical standards from the perspective of the separation of Church and State.

The towering figure behind the tradition of political theology is certainly Carl Schmitt. His central claim in his opus magnum, *Political Theology*,¹¹ namely, that most of the terms in our modern political vocabulary derives from theological concepts, was never seriously questioned. It is therefore telling to see their conceptual birth within the context of early modern theological debates, including the voice of Protestant critics of the close alliance of Throne and Altar and the implicit theological inspirations behind the revaluation of the mental infrastructure of modern political agents (think especially of Max Weber’s fruitful insight into the birth and nature of a protestant ethic). There are well-known aspects of this reconstruction [see Charles Taylor’s *Sources of the Self* (1989)], including those cognitive operations that will result in what was going to be called secularisation, and the loss of the shared beliefs in an umbrella of universal religion. The internal schism within Christianity resulted in the birth of the modern

¹¹ Schmitt 1922/2005.

independent individual, with her strong sense of identity, and with the potential to become her own God – the birth of radical subjectivism, the final development in the Romantic period. This move away from the universal and shift toward the particular individual was accompanied by the discovery of a radical historical asynchrony of different communities, resulting on the part of European nations to conquer and rule over what they regarded as the barbaric world. It was in order to substantiate their claim to universal monarchy that European nations relied on notions like the law of nations and natural law. Think especially of Grotius, who worked out a theory of global rule based on assumptions of natural law, in competition with his Catholic rivals like the Salamanca school, and especially Francisco Suarez. While for Grotius and Suarez natural law was not independent from theological considerations, theorists in the next century worked on the tradition of natural law in order to purify their political theories from theological assumptions – in order to make them applicable even in the contexts of serious religious disputes or civil wars caused by asymmetric religious loyalties. In order to achieve this, the generation of Hobbes, Locke and Pufendorf disconnected natural law theory from its theological backbones, and arrived at an almost positivistic account of civil power. However, in order to make it more appealing, they presented it as modelled on natural science, lending it a global relevance.

While as a result of the common enterprise of cosmopolitan humanist scholars and scholastic monks, on the one side was born a neutral science of natural law political theory, on the other side early modern man (basically long trade entrepreneurs and soldiers) had to realise historical relativity as a result of their journeys around the globe. While conceptual moral conflicts within the Christian camp could be handled by relying on natural law – or, for that matter, on a sort of natural religion, it was much harder to conceptualise a metanarrative to negotiate radical historical diversity around the globe. Although theoreticians of the Scottish Enlightenment – relaying on certain French authors of economic and social history – worked out a general (universal) scheme of social progress, called the four stages theory of human development, they had no clue how to negotiate civilised nations with the barbarians or savages. The only way to compromise them lead through culture and education – but this was a long road that did not promise immediate relief from the consequences of the lack of a unified global moral framework.

It is to cure this illness that the end of the 18th century witnessed a radical reshape in the ideological landscape of the 18th century, first due to the independence movement of American settlers which resulted in the secession of the newly constituted universal (or at least continental) republic from the United Kingdom, and secondly to the French revolution's document of the Declaration of the Rights of Man and of the Citizen (1789), introduced by La Fayette under the influence of the American Founding Father, Thomas Jefferson. The Americans legitimised their brave move towards self-rule by the famous universalistic claim of the Declaration of Independence: "We hold

these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Apparently, this move was a sign towards a new era of universal values, called modernity, with its emphasis on universally valid individual human rights. This is the line that was taken up and institutionalised by the establishment of the United Nations after WW2 and its own manifestos of individual rights.

Yet there is something alienating in the language of universal humanism. In the writings of the political philosopher Leo Strauss there is deep dissatisfaction in the critique of the legalistic dialect of modern natural human rights. A Jewish German émigré in the United States, Strauss became one of the inspirational figures in post-war American intellectual life. Strauss’s criticism of the positivistic and relativistic tendencies of modern thought, including some German philosophers’ position like Schmitt and Heidegger, was aimed at its disastrous consequences: he claimed that it led both to the brutal nihilism of totalitarian regimes and to the gentle nihilism of Western liberalism. Instead of reworking a grand theory of Natural Law, however, he opted for a return to the ancient ideas of political virtue and leadership.

An alternative criticism of 20th century rights-oriented liberalism is present in the late thought of the Frankfurt philosopher, Jürgen Habermas. Earlier an ardent partisan of the revolutionary ideas of 1968 he turned into a firm defender of the universalist assumptions of the Age of Enlightenment in his debate with both arch-conservatives and deconstructivist and relativist postmodern thinkers – in particular with Foucault and Derrida. At the turn of the century he seems to have found his new allies in theologians, when he realised that secular universalism is a natural ally of (for example) Christian religious universalism. This insight was supported by the notable Bockenförde paradox, a common source of inspiration for him and Joseph Ratzinger. According to the well-known German constitutional lawyer, the moral resources required to sustain liberal democracy cannot be reproduced by the very same liberal democracy. In other words, liberal democracy falls back on external support, in particular on the experience of religious communities, which can share their practical knowledge of regenerating their own internal spiritual engines with modern Western societies. It was this hope of a common cause that led to the famous exchange between Habermas and Ratzinger on how to interpret the Bockenförde-paradox.¹² In this dialogue the secularising tendencies of Western modernism seemed to rejoin the discourse of political theology in a hope to unite forces to defend commonly shared Western values in a risky world of terrorist cruelty and individualist self-indulgency.

So we return to our starting point: there is a renewed scholarly and public interest in the intersection of politics and religion, after the crisis brought about by the terrorist attacks against Western targets and by other challenges to contemporary liberal democ-

¹² Habermas – Ratzinger 2005/2006

racies. This is perhaps one of the most remarkable unintended consequences of confronting a new millennium in a rather feverish political mood. In this respect one might want to consult the thoughtful analysis provided in Mark Lilla's work on the post 9/11 intellectual climate in the West, including his remark "Today, we have progressed to the point where our problems again resemble those of the 16th century, as we find ourselves entangled in conflicts over competing revelations, dogmatic purity and divine duty. We in the West are disturbed and confused. Though we have our own fundamentalists, we find it incomprehensible that theological ideas still stir up messianic passions, leaving societies in ruin."¹³ On the other hand, we seem to commit the opposite error as well. As we have seen, we also resemble the 16th century in our hope to rid ourselves from overarching moral claims – and this way we tend to give up hopes of arriving at somewhere near to a universal moral code as a conclusion of our discussions. The risks involved are the more visible from this part of the world, which experienced two totalitarian regimes in the twentieth century, and which had high expectations from joining the European community, and therefore is badly disillusioned from early 21st century realities, as far as final values are concerned. This volume, therefore, appears as a good proof for the socio-political and moral stakes of our contemporary situation.

History, theory, and contemporary debates about moral universalism – writings in this volume

This volume – the joint effort of the research groups on practical philosophy and the history of political thought of the Institute of Philosophy of the Hungarian Academy of Sciences – brings together scholarly essays that attempt to face the challenges of the contemporary situation described above. The authors come from rather divergent disciplinary backgrounds, including philosophy, law, history, literature and the social sciences, from different cultural and political contexts, including Central, Eastern and Western Europe, and belong to different generations. But they all share an interest to bravely answer the large topical issues concerning universal morality here and now. The volume consists of five parts, all of them including 4 to 5 essays, connected by a general theme or focus point.

The first part bears the title Religion and Morality. It is basically a part of the book dominated by theologians of different religious backgrounds, including Catholicism, the Jewish religion and Lutheranism, picking out a theme to be answered from the perspective of their own religion's theological doctrines. We also included in this chapter a paper on the original world of faith of a non-Christian preindustrial society.

The second and the third part provide a historical overview of the topic. In the second part we have a selection of ancient and humanistic themes, including Epictetus,

¹³ Lilla 2017. See also his collected volume on the topic: Lilla 2007.

the Roman law, Saint Augustine and Renaissance Platonism. The third part gives a snapshot of the modern period, including the relevant ideas of Kant, Hannah Arendt, and the participants of the fierce debate on animal dignity.

Finally the fourth and fifth parts are analytical examinations of partial issues within this larger contemporary philosophical framework. Issues dealt with in the fourth part, both meta-ethical problems and substantial points, include an analysis of efforts to discredit morality, comparing values and principles, connections between morality and law, the chances of a contemporary hypothetical natural law, and two kinds of moral relativism. The fifth part scrutinizes particular cases of contemporary philosophical relevance, related to multiculturalism, relativism, empathy in what is called the digital age and communication theory.

Taken together, the editors firmly believe, these essays give an informative and thought-provoking picture of the state of the art of contemporary philosophy on moral universalism.

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♦ I ♦

RELIGION AND MORALITY

Is a Universal Morality Possible According to Jewish Tradition?

GÁBOR BALÁZS

Any attempt to define the ultimate position of the Jewish tradition as a whole on any philosophical question is doomed to failure. Not only are the biblical sources ambiguous on almost all topics but also the post-biblical Jewish tradition, instead of clarifying “the” answers of Judaism, is posing even more questions, and offers many – frequently incompatible – answers. This is hardly surprising if we take into account how difficult it is to make any general declarations about a tradition which is more than three thousand years old and includes an enormous variety of texts that were created in significantly different historical circumstances and that often advocate conflicting values and theories.

Disagreement in legal issues appears to be a basic element of Jewish law (Ben Menachem 2002), and the same holds true for matters of faith. Since an institution that would be similar to the Catholic synod does not exist in the structure of Jewish religion, there is no final authority in issues of faith, nor can there be one.¹ Although there have been – and still are – important trends within the framework of Judaism that tried to define the principles of the Jewish faith that must be held by all Jews, these principles have never been universally accepted by all streams of Judaism and have always varied among the different thinkers (Shapiro 2004). These introductory remarks about the lack of agreement on most theological and philosophical issues are certainly true about the idea of the possible existence of a universal morality. If so, my goal must be a minimalist one – I aim to argue that at least a significant part of Jewish tradition tends to accept the existence of universally valid ethical norms, but I will not claim that we cannot find support for the opposite opinion in authentic Jewish sources. In order to clarify what I mean by universal morality, let me rephrase my claim: there are numerous classical and modern Jewish sources that suppose the existence of universally binding moral norms that are valid in all places and at all times. These norms are rational, and their validity is independent of a divine revelation, that is, they would be morally binding even if God had never commanded them.

¹ About the absence of Jewish dogmatism see Kellner 2006, for the opposite opinion see Bleich 1983.

Since it is a reasonable assumption that most readers of the present volume will not be experts in the Jewish tradition, it might be useful to add a short explanation to my selection of the sources.

Although Jews are generally perceived as the ‘people of the Book’, the very term is a misnomer, since the Hebrew Bible is not one book, but a collection of twenty-four books. But more importantly, the Jewish tradition is much more conclusively defined by the interpretation of the Hebrew Bible (traditionally called the Oral Law) than by the simple meaning of the biblical texts (called the Written Law). As Yeshayahu Leibowitz, one of the most important Israeli philosophers, has noted:

Historically, Israel never lived or intended to live by Scripture [...] Israel conducted its life in accordance with the Halakhah² as propounded in the Oral Law. [...] The decision about which books to accept as Scripture was not made behind the veil of mythology or pre-history, but took place in the full light of history in the course of halakhic negotiation. [...] The religion of Israel, the world of Halakhah and the Oral Law was not produced from Scripture. Scripture is one of the institutions of the religion of Israel. (Leibowitz 1992. 12)

As Leibowitz pointed out, human agents – namely the rabbis in the period of the Talmud – determined which ancient books could be considered to have Divine inspiration as their source and which could not. If so, “The Halakhah [...], which is a human product, derives its authority from [...] Scripture; at the same time it is the Halakhah which determines the content and meaning of Scripture.” (Leibowitz 1992. 12) This situation may seem to contradict the Jewish canonization process, but it was never perceived that way by traditional Jews.

The literal meaning of the biblical texts in the post-biblical Jewish literature is frequently disregarded, but this disregard is usually seen in a positive light, as the search for the real, deeper meaning of the original, and it is not considered a disrespectful treatment of the holy writings. Although the Hebrew Bible as a source of inspiration and as a permanent source of proof-texts was and is an extremely relevant cornerstone of Jewish thought, the reader who seeks to understand the Jewish sources as the Jewish tradition itself understands them has to keep in mind that the – often very unclear – “literal meaning” of the Bible has very little relevance in the post-biblical Jewish tradition.³

In the first part of my essay I present apparently contradictory biblical sources that will clarify why it is an impossible mission to find the “fundamental biblical answer” to the question posed in the title of my paper. In the second part I analyze classical Jewish legal,

² Halakhah is the Hebrew terminus for the complexity of the Jewish religious law, which in its most parts is a post-Biblical institution.

³ For a philosophical analysis of the process and meaning of canonization see Halbertal 1997.

homiletical and philosophical sources that can plausibly be interpreted as supposing the existence of universal morality. In a short addendum in the third and final part I examine a difference of opinion among contemporary Israeli thinkers and rabbis concerning the validity of moral norms. These sources are very different in their literary style and in their historical and religious importance, but all of them are considered possible and legitimate voices of the Jewish tradition concerning the existence of a universal morality.

The ambiguity of the Hebrew Bible

“Shall not the Judge of all the earth deal justly?”

In the 18th chapter of Genesis, God informs Abraham about His plan to destroy Sodom because of the city’s wickedness. Abraham, in a very respectful but uncompromising way, protests and tells God:

Will you sweep away the innocent along with the guilty? [...] Far it be from You! Shall not the Judge of all the earth deal justly?⁴

From Abraham’s reaction it seems that he supposes that there is a moral order with clear rules, namely not to destroy the good ones with the evil ones, and these rules are not only a general obligation on the human level but they also apply to God, who is the supreme moral agent. Abraham uses an implicit *a fortiori* moral argument – if human judges can be expected to act in accordance with the basic principles of morality (not to punish the innocent) then how much more so should the Judge of all the judges be expected to do the same?⁵

From this biblical locus it seems clear that the basic supposition of Scripture is that there are certain universal moral rules that have a binding force, as it were, even on God, and furthermore one has a moral obligation to follow the example of Abraham and man has a moral duty to protest injustice, regardless of who commits it. But as I said before, we should not rush to make generalizations about the biblical world-view. Only a few chapters later we find a different story that would allow us to draw another conclusion.

“Take your son”

In chapter 22 of Genesis God appears again to Abraham and commands him: “Take your son, your favored one, Isaac, whom you love, and go to the land of Moriah, and offer him as a burnt offering on one of the heights that I will point out to you.”⁶ The

⁴ Genesis 18.23-25. (All the Biblical citations are from Tanakh 1985)

⁵ For a detailed analysis of this Biblical story see a very relevant volume for the topic of ethical universalism: Lipton 2012.

⁶ Genesis 22.2

story of the Akedah, the binding of Isaac, is one of the most discussed topics in Jewish literature,⁷ and I will address only one aspect of it. According to the biblical narrative, God commands Abraham to kill his innocent son, and Abraham accepts the Divine imperative without any discussion or protest. This locus is far from being unequivocal, since it can support at least three very different moral conclusions.

The first conclusion can be that moral relativism is right, since human knowledge is necessarily limited by the agent's social and historical circumstances, therefore human moral understanding must be limited by nature. For example, in a culture where direct communication with God is seen as a commonplace, the killing of an innocent can be considered an ethical act. Accordingly, all moral conclusions will be viewed as conditional, since a cultural convention (a divine imperative in our case) can override the moral force of any other convention from other cultures, and we have no way of comparing and ranging the values of the different conventions. Even such an apparently evident moral imperative as "you should not kill an innocent person without a strong moral reason" has only very limited validity, since we can learn from Abraham that "I heard the divine voice" was a strong enough reason for him to obey this command. This conclusion renders universal morality impossible.⁸

The second conclusion can be called the theory of the 'conflict between religion and morality', and it is less pessimistic from the point of view of the possibility of the universal morality. Moral laws such as "you should not kill an innocent person without a strong moral reason" are universally valid, but in case of conflict between religious and moral duties one should always follow the religious commandment. In other words, although there are universal moral norms, they can be overridden by a divine imperative any time. It is important to see that an adherent of the theory of conflict between religion and morality has to admit that morality has an independent status, since in the absence of an autonomous moral realm, religion cannot have a conflict with morality. If so, this conclusion supports universal morality, but in the hierarchy of normative orders it ranks it lower than religion.⁹

The third conclusion can be labeled 'Divine Command Morality' (DCM), and upon first glance it negates the possibility of moral universalism. God is an absolutely free, omnipotent agent who has no duties whatsoever. God can command anything, and any X action commanded by God immediately becomes not only a religious duty but also a moral one, since any act can be a moral duty – regardless of its content – merely

⁷ An American scholar, Larry Laufman published a more than 800 page long bibliography on this topic in 2013.

⁸ Nevertheless, even this rule can be brought to a universal form: Every moral agent has an intellectual duty to know that all moral imperatives have only conditional force. It would be an interesting logical game to play with the idea whether knowledge of the invalidity of moral rules can be a moral rule itself.

⁹ For a detailed discussion of the topic of conflict between religion and morality see: Sagi and Statman 1995a, part 3.

because God commanded it. If so, the most important meaning of the phrase “a strong moral reason” in our rule “you should not kill an innocent person without a strong moral reason” is a Divine command. Divine commands are moral, not because there are convincing moral arguments in favor of them, but because the absolute free supreme moral agent, God commanded them.

I will not elaborate the several serious concerns about what remains from the meaning of the term ‘morality’ if we accept that, for example, torturing and killing newborn babies without any further moral argument can be a morally right act only because God commands it. Instead, I want to point out that the theory of Divine Command Morality – supposing and not allowing that it is a real ‘moral’ theory – is actually supporting universal morality. DCM supposes that every human agent should accept that God by definition is the supreme moral authority, and every act commanded by God is by definition a morally binding act, so although it denies the validity of basic rational moral principles when they are not in accordance with a religious commandment, this theory claims that universal morality is possible: everybody is morally obligated to obey God.¹⁰

These two biblical sources serve only as illustrations to my claim that the Bible is far from being an unambiguous source if we are to derive from it an answer to the question whether Judaism accepts the possibility of universal morality.

Natural Law and Judaism

Philosophers throughout the long history of ethics and philosophy of law provided numerous theories of natural law, but the common denominator of all these theories is that there are certain autonomous norms that are universally accepted as binding and rationally justified.¹¹ Since the Jewish tradition is basically a legal tradition, and since Jewish law is based on the claim of divine revelation, it is not self-evident that tradition can accept the existence of universally binding, rational and autonomous laws that are valid even without a Divine command. Indeed, there is a well-known debate among theorists of Jewish law and ethics about the acceptance of natural law theories.¹² Below I analyze three sources from different genres of Jewish religious literature, each of which, according to my interpretation, clearly supports the existence of natural law and universal morality.

¹⁰ About the status of DCM in Jewish tradition see Sagi and Statman 1995b. For a critique of the former source see: Harris 2003.

¹¹ There is an almost endless literature on the topic of Natural Law, the following entries are only a few classics on this topic: Finnis 2011, George 2002, Hörcher 2000, Weinreb 1987,

¹² For arguments for the existence of natural law theory in the Jewish traditions see: Novak 1998, Sagi 2000. For arguments against it see: Faur 1968, Fox 1971.

A legal source in support of Jewish Natural Law theory

My first source is from the Talmud. According to the accepted hermeneutical laws of the rabbinic tradition, when there is an apparent redundancy in the biblical text, the supposition is that the seemingly redundant part comes to teach a new law or a new idea. The following verse in Leviticus seems to be superfluous: “My rules alone shall you observe, and faithfully follow My laws, I am the Lord your God”¹³, so the Talmud comes to clarify:

Our Rabbis taught: ‘My rules [mishpatay] alone shall you observe’ (Leviticus 18:4), i.e. such commandments which, if they were not written [in Scripture], they should by right have been written and these are they: [the laws concerning] idolatry, immorality and bloodshed, robbery and blasphemy.

And ‘and faithfully follow My laws [chukotay]’ (ibid) i.e. such commandments to which Satan objects; they are [those relating to] the wearing of sha’atnez¹⁴, not eating pork, the way of purification of the leper [...].

And perhaps you might think these are vain things, therefore Scripture says: ‘I am the Lord’ (ibid), i.e. I, the Lord have made it a law and you have no right to criticize it.¹⁵

Both Hebrew terms “mishpatim” and “chukot” mean laws; however, according to the talmudic interpretation, they are not simply synonyms. These terms became the symbols of two types of religious law: those which would be valid even without a Divine revelation, and those which are morally neutral and are obligatory only by force of the revelation. The laws which can be easily justified in any human society by simple rational consideration belong in the first category, and those laws which do not have any revealed reason, and seem to be arbitrary decisions of the Divine Lawmaker belong in the second. The Talmud emphasizes that both types of law are valuable and have obligatory force, since both of them are commanded by God, but there is still an important difference between them. In the first case the Divine command comes only to fortify the already known validity of the rational obligations, and in the second case it seems that rational inquiry does not help at all. This talmudic locus appears to deny the theory of legal monism, and supposes that there can be two distinctive sources of authority in the same legal system, while the system still remains unified. Certain laws

¹³ Leviticus 18.4

¹⁴ Shatnez is the name of the garments made of wool and linen, and a Biblical commandment (Leviticus 19.19) forbids to wear these sort of garments.

¹⁵ Babilonian Talmud, Yoma 67b (I used the Soncino translation, with slight modifications)

are morally binding on all human societies by virtue of their rationality, and other laws have force only for a specific society, namely for the Jews. The non-Jewish society acknowledges the rationality of certain Jewish laws, and has a problem only with the understanding of the purely ritual laws. Maybe this irrationality of certain commandments is the reason why, through the Divine command, the Jewish legal system incorporates both types, but without annulling the rational force of moral laws. As explained above, these laws remain obligatory both because of their rationality and because of the Divine imperative, and they may serve as a kind of confirmation of the laws which have only religious value: since the same Lawmaker commanded both types of law, it is rational to obey them. According to this interpretation, the Jewish legal tradition accepts the existence of natural laws, and universal morality.

A philosophical source in support of the Jewish Natural Law theory

As Abraham Melamed has pointed out, in the philosophy of Rabbi Judah Halevi there is a complex relationship between the law known by revelation and the law by rationality (Melamed 2011. 188-192). Judah Halevi's philosophical classic *The Kuzari* narrates the imaginary story of the conversion of the Khazars to Judaism. The book is written in the style of a Platonic dialogue: the rabbi first convinces the king of the Khazars that the truth of Judaism is built on the empirical evidence of a huge number of people who had had the direct experience of Divine revelation, so this truth is of a higher order than the speculative truth of the philosophers. In the first stages of their discussion the rabbi claims that the revealed laws inform us about a higher level of truth than the rational laws, nevertheless he never claims that the former contradicts the latter. After the Khazar king is persuaded about the truth of Judaism, converts and continues to learn about its detailed teachings, the rabbi explains that on the level of the basic truths the revealed law teaches the same as the rational commandments. Halevi uses the well-known Platonic example of the society of the robbers (*Politeia* I, 343) in his explanation:

These are the rational laws, being the basis and preamble of the divine law, preceding it in character and time, and being indispensable in the administration of every human society. Even a gang of robbers must have a kind of justice among them if their confederacy is to last. When Israel's disloyalty had come to such a pass that they disregarded rational and social principles (which are as absolutely necessary for a society as are the natural functions of eating, drinking, exercise, rest, sleeping, and waking for the individual), but held fast to the sacrificial worship and other divine laws, He was satisfied with even less. It was told to them: 'Haply you might observe those laws which rule the smallest and meanest community, such as refer to justice, good actions, and recognition of God's bounty.'

For the divine law cannot become complete till the social and rational laws are perfected. The rational law demands justice and recognition of God's bounty. What has he, who fails in this respect, to do with offerings, Sabbath, circumcision, etc., which reason neither demands, nor forbids? (Halevi 1905)

Halevi's position in this text sounds unambiguous: there are certain rational laws that are so universal that no human society can sustain itself without recognizing them. Human rationality compels all societies to accept these norms, and there is no need for a legal authority to reveal them. Moreover, Halevi claims, these universal ethical norms, the basic principles of natural law, serve as a necessary basis for the acceptance of the covenant based on revelation. The revelation at Mount Sinai would have been meaningless to the people of Israel had they not been previously a society built on naturalist ethics. According to Halevi, a society that fails to abide by the basic moral laws is unworthy to receive the Divine laws, and when a society disobeys the basic rational laws then the observance of the ritual laws turns out to be worthless.

Halevi's former opinion about the superiority of the revealed law does not contradict his latter view supporting natural law theory. It was important to him to emphasize that there is an asymmetrical relationship between the two types of law. While disobedience to universal ethical norms degrades the value of the observance of ritual laws, obedience to the norms of natural law does not make superfluous the observance of ritual laws. Halevi was convinced that only with the help of the revealed law is it possible to reach human perfection.¹⁶

A homily in support of the Jewish Natural Law theory

A homily from the very beginning of the 17th century interprets the words of Cain after killing his brother, Abel. When God asked Cain about the whereabouts of Abel he answered with the well-known words: "I do not know. Am I my brother's keeper?"¹⁷

Rabbi Shlomo Ephraim Luntshitz,¹⁸ in his commentary on the Pentateuch called *Kli yakar*, suggested the following interpretation to the afore-mentioned verse:

Cain's answer to God – 'I did not know' – is very surprising. If he was mistakenly thinking that 'He does not see and does not understand the deeds of mundane beings' why had he previously offered a sacrifice to God? It seems that Cain certainly understood that God asked him about

¹⁶ On Halevi's concept of rational law see the classic article of Leo Strauss 1943.

¹⁷ Genesis 4.10 The original Hebrew words (יָתַעַדִּי אֵל) are in past tense, and this will be important for the following interpretation.

¹⁸ Lived: 1550-1619, he served as the rabbi of Prague.

the killing of his brother and his answer was: 'I did not know. Am I my brother's keeper?' He wanted to say, I did not know that it is a sin to kill, and his words 'Am I my brother's keeper' are not a question, but it is in the same sentence with the words 'I did not know'. He in fact said: 'I did not know that I am obliged to save my brother and I am not supposed to murder him' [...] God told him: 'How is it possible that you did not know, since this is a rational commandment?! [...] Rationality obligates you to keep this commandment even if you are not commanded to do it'.¹⁹

The plain sense of Scripture in this story seems to support the existence of the Natural Law theory. Without the implicit assumption that there are certain acts that we are forbidden to commit even without a formal legal act of proscription, the most obvious defense of Cain would have been the claim that God never forbade killing anyone. From the text it seems that Cain simply tried to lie to God – in a very similar manner to his father, who tried to hide before God in the Garden of Eden – and did not choose the way of apology by claiming ignorance of the ethical rules. Still, Rabbi Luntshitz prefers to reinterpret Cain's words in a different manner and puts in his mouth the claim that he had not been aware of the prohibition against bloodshed. By this interpretation – which is far from self-evident from Cain's words – Luntshitz creates a fictive situation where God Himself can reiterate one of the basic principles of the Natural Law: there are some so evidently apprehended rational norms that no one can claim to be ignorant of them.

The agenda behind this method of interpretation is obvious: Rabbi Luntshitz was so determined to emphasize the idea that universally binding moral laws exist that he preferred to reinterpret the plain sense of Scripture, which implicitly admitted the existence of those laws, just to make it possible to create a situation in which the Highest Legislator can declare that there are binding laws even without the legal action of the Highest Legislator.

This uncompromising hermeneutical endeavor to make explicit what already was implicit in Scripture is especially interesting since there is a very old rabbinical tradition according to which God had commanded Adam the most essential norms (and the prohibition of murder was among them) in the Garden of Eden.²⁰ At the same time, this tradition is not necessarily in contradiction with the idea of natural law either, since it is definitely possible to claim that God commanded these norms because of their obvious rationality, but Luntshitz still preferred to make an explicit argument for the existence of the natural law.

¹⁹ The translation is mine.

²⁰ These laws are called the Seven Laws of Noah, and they are the prohibition of idolatry, blasphemy, incestuous and adulterous sexual relations, murder, theft, cruelty to animals, and the obligation of establishing a legal system. These laws can be detected in slightly different forms in various Jewish sources: Babylonian Talmud, Sanhedrin 56a, Tosefta Avodah Zarah 8:4 and Genesis Rabbah 34:8. For a general analysis see: Lichtenstein 1981.

Summary

In this essay I have tried to represent the argument that even if we are unable to decide unequivocally whether the Jewish tradition supports the idea of universal morality, there are numerous classical sources (and I have offered only very few of them) that support this idea. An important consequence of this approach for contemporary Jewish theology is that any religious leader or thinker who chooses to ignore the relevance of the principles of universal morality in Jewish religious life does so out of his or her own choice, and not due to the “compelling force of the classical Jewish sources”.

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Under the Rainbow, over the Greed

Universal Morality in the Age of Globalization

TAMÁS BÉRES

Analytic ethics in its formalism missed to give relevant answers concerning human beings dwelling in a world of relations. At the beginning of the 1980's, in his book After Virtue Alasdair MacIntyre warned of the inadequate nature of formalized ethics and he proposed to revitalize the much forgotten, old fashioned virtue ethics. John Rawls's books aroused great interest since the beginning of the 1970's. Hans Jonas' book under the title Prinzip Verantwortung also appeared in the 1970 's in Germany. Up to the end of the last century, ethics has been emptied and started to prepare changing its most peculiar issues. The very conviction has gained grounds again that ethics should be built upon considerations of anthropology and sociology.

The present situation

It is one of the ambivalencies of the day that almost a century after Wittgenstein we still have to speak about what is beyond expression.

In his *Tractatus* Wittgenstein says that ethics is like aesthetics and religion, and cannot be spoken about (Wittgenstein 2011. 6.421). Ethics, if it is anything, is supernatural and our words will only express facts (Wittgenstein 2014. 40). Yet he believed that it was precisely those things which one could not speak about that were the most important things in life, including ethics.

Analytic ethics in its formalism missed to give relevant answers concerning human beings dwelling in a world of relations. At the beginning of the 1980's, in his book *After Virtue* Alasdair MacIntyre warned of the inadequate nature of formalized ethics and he proposed to revitalize the much forgotten, old fashioned virtue ethics. John Rawls's books aroused great interest since the beginning of the 1970's. Hans Jonas' book under the title *Prinzip Verantwortung* also appeared in the 1970 's in Germany. Up to the end of the last century, ethics has been emptied and started to prepare changing its most peculiar issues. The very conviction has gained grounds again that ethics should be built upon considerations of anthropology and sociology. "Morality is a part of human nature", states american evolutionary biologist Marc Hauser a couple of years later (Hauser 2006). Although this new turn could have resulted in a large amount of questions regarding the universal nature of ethics, these questions

fortrightly were impeded by the rapid spread of contemporary forms of applied ethics. Applied ethics was pretty prosperous even within corporations, institutions and other forms of industrial production, where strong interests have pushed against the declaration of the independence of ethical deliberations. By that time applied ethics could do its best by developing schematic checking aspects for many restricted fields of moral scrutiny.

In this situation Wittgenstein's opinion has a double meaning. On the one hand it could be considered that by pulling religion and ethics out of the realm of expressible things, both had been saved and conserved for later and safer times, for an age of more proper understanding. On the other hand, with this gesture he could have created an opportunity for actuated contemporary actors of practical philosophy to take up the ethical issues in a more relevant and rapid way by other instruments. Reason and language as the most democratic and powerful cultural instruments had thereafter been used for that purpose by many scholars. This was a period for an accelerated methodological clarification of ethics. In the present day situation metaethics means a theoretical study of formal language and logical rules. It's already far from the ancient conceptions of ethics, but it points clearly to its two main classical characteristics, namely the demand of being *accessible* by cognitivity and having *universal validity*.

Universal morality?

The morality of globalization

About 20 years ago the two parallel notions of mondialization and globalization referred to two different unification processes in our world's history. Mondialization denoted this process in a political-cultural-communicational meaning while globalization meant the economical side of the world's way of unification. In today's language, the notion of mondialization is not in use anymore and both of the meanings are carried by the sole word of globalization. The word McDonaldization was a commonplace, too, which described the schematic function of commercialism that time. We don't have the word McDonaldization anymore again – although one may be convinced of McDonalds' commitment to support local culture e.g. through its adapted architectural solutions – but commercialism remained a strong phrase for one of the most significant cultural phenomenon of the present globalized world. The root of the word originally meant a personal interaction between two equal actors. Today commercialism has lost the connotation of equality and reciprocity between the actors and even its meaning of personality. The economical mind of that kind doesn't accept the other actor at the other side of a business action as a real partner but attempts to bring every element of the meeting to the common denominator of eco-

nomic gain. This way ‘partners’ will sacrifice not only their traditional values but they will be getting definitely one-sided and narrowed down as well. One loses its previous hope in a kind of certainty which could have been saved for him/her even after the act of consumption. That’s why consumption becomes the only form of certainty for him/herself, and outside of this act s/he cannot find any place where s/he could feel at home. As Paul Tillich says, “s/he loses his/her world”. In the 1980’s, Ralph Dahrendorf outlined the cultural consequences of this occurrence by phrasing it as a “soft nihilism”. Soft nihilism doesn’t demand serious endeavours from the one who lives inside of this custom but behind the curtains, it introduces hard competitions into the life of the actors. Nihilism refers either to the ceasing of the subjective expectations on the long term, or these expectations and intentions could even ceased totally with tools and instruments of the constant forms of consuming taking their place. This was the first, maybe instinctive answer to the uncertainty of the age which came after existentialism, which can also be called the last continental philosophy with a solid morality.

Besides some other well-known cultural and economical elements, religions played a pretty important role in the process of globalization. Hinduism, Buddhism, Islam, Judaism and Christianity transgress geographical and political borders more easily than families. They can go through these borders even more easily than philosophical concepts. Because of their age and its unalterable validity they have more chance to find ways of adaptation on other regional or continental areas. Moreover, they usually exist in several forms and some of those have reduced intellectual expectations. Most of them have good capabilities to cope with strange cultural forms and all of them have at least some intentions to build up concrete forms of an inculturational process or to give constructive answers to the challenges of secularization.

Scholars such as sociologists see this process mostly from the other side when they speak about the advancement of secularization. Religions contain an inner and defined conception of truth and they have a large amount of followers spread out in more or less transparent social circles. These concepts of truth can be of esoterical or exoterical kind, and religions could realize this in different ways during their history. Through some special theological-methodological work of grounding their ways, they have a conception of universal morality too. Two questions arise at this point; 1) whether they are open for an outside process of justifying their morality grounded in inherent concepts of truth and 2) whether they can share conceptions regarding universal morality also with someone on the ‘outside’.

“Projekt Weltethos” which was initiated by the German theologian Hans Küng is one of the most outstanding chances for the active and meaningful meeting of religions. This movement has already made its important contribution to the mitigation of the world problems through its unique instruments. The Council for a Parliament of the World’s Religions was created to cultivate understanding and harmony among the world’s religious and spiritual communities and foster their

engagement with the world and its guiding institutions in order to achieve a just, peaceful and sustainable world.

The Project started with great expectations but during the last two decades it has become clear that morality cannot be easily distilled from a living religion. At its starting point the meetings among the representants of different religions were called “interreligious dialogues”. Today, however, the term “Encounter World Religions” has become more widespread which is a decisive acknowledgement of the personal nature of carrying religious totality. In these encounters people can share their visions and conceptions with each other and they can practice how to accept the other with different customs and morality. A theory of a common religious or worldwide morality cannot be expected to be formulated in these encounters.

Let me mention some relevant examples similar to the program of Dietrich Bonhoeffer. He called his project “Christianity without religion”, but he could not elaborate on it because of his execution in the very last days of World War II in Germany. The “atheist theologies” and the political theologies such as of Dorothee Sölle are far from any kind of real atheism. Representants of these movements refrain from theological concepts and even from using the name of God in favour of achieving important common social goals, excluding the possibility of reversing the tools and goals. Besides the moral efforts of the religions that are relatively transparent and open for the encounter, there is a grey area as well. Here we can find cultural forms that are pervaded by the will of power and authority.

Global myths

In recent decades we were the eyewitnesses of the collapse of meta-narratives and grand narratives as Lyotard said. He argued that we have ceased to believe that narratives of this kind are adequate to represent and contain us. He points out that no one seemed to agree on what was real and everyone had their own perspective and story. Large scale theories and philosophies of the world, such as the progress of history, the knowability of everything by science, and the possibility of absolute freedom have been collapsed. Instead of them, new kinds of frame-narratives of religious origin have appeared. Lyotard, however, did not argue against subsistent moralities, he just sought limited, particular forms of their validity. So we can see these new global myths as vehicles of some global moralities.

In his book *Subverting Global Myths*, Vinod Ramachandra lists the myths of terrorism, myths of religious violence, myths of human rights, multiculturalism, science, modern market system, postcolonialism etc.

About the function of the stories of these kind Northrop Frye says: “certain stories seem to have a particular significance: they are the stories that tell a society what is important for it to know, whether about its gods, its history, its laws, or its class struc-

ture... they all contain a central truth which is then inflated and used to exclude other, perhaps more important, ways of seeing.” (Ramachandra 2008. 13)

The British philosopher Mary Midgley has argued that not only are myths central to worldviews but they are strongly influenced by the dominant technology of the day. In an age of computers, everything (including human intelligence) becomes information and information-processing. The rise of genetic engineering diverts attention to the search for biochemical solutions to complex social, political, psychological and moral problems. “For instance”, she writes “much of the demand for liver transplants is due to alcohol. But it is a lot harder to think what to do about alcohol than it is to call for research on transplants.” ... “Changing the customs calls for quite different and much straightforward kinds of thinking” (Ramachandra 2008. 13).

Standing up to, and perhaps even fighting myths is a more complex issue. Metaphysics allows us to reflect on reality itself, but as it is known from the works of Hans Blumenberg, Paul Tillich and others, myths cannot be broken up even by the tools of sophisticated intelligence. Myths can ground moralities in any society but their origins reach far back to the times before the era of the logical and democratic achievements of socio-cultural forms.

Global morality from a protestant point of view

Closing in on the question of which kind of morality could be named as a candidate for universal status from the standpoint of the protestant ethics, at first it has to be stated clearly that biblical texts do not form a uniform and solid morality. Instead of a topic such as “the morality of the New Testament”, “many moralities of the New Testament” should be spoken about. If we are searching for e.g. the traces of virtue ethics, which was widespread during medieval times and of course in the societies of the ancient Greek and Roman culture as well, in a rather surprising way, we will find a list about the virtues recommended for Christians in the Letter to the Philippians. It reads as follows:

Finally, brothers, whatever things are true, whatever things are honourable, whatever things are just, whatever things are pure, whatever things are lovely, whatever things are of good report; if there is any virtue, and if there is any praise, think about these things. The things which you learned, received, heard, and saw in me: do these things and the God of peace will be with you. (Fil. 4,8f)

The enumeration here obviously centers on the accepted virtues of the surrounding society and the writer lets Christians choose the more appropriate ones among them.

By reading the New Testament text-sources it can be stated that Christology in the Making and Morality in the Making go very close to each other not only in a parallel way but by steadfastly having effects on each other as well. From this observation we

can state that there is a main tradition in Christianity which does not allow the division of orthodoxy and orthopraxis, i.e. of dogmatics and ethics. As one of the most proper one, situational ethics has been used in 20th century for expressing the right way of thinking morally – at least inside of the protestant Lutheran theological reflexion. That was the rule of Origen of Alexandria too, who had chosen it for himself and for those who appreciated the special intellectual experiences in living as Christians.

Although the Golden Rule cannot be used exclusively as a moral law, it is one of the most powerful aid for Christians in being motivated to do right unto others. “Therefore whatever you desire for men to do to you, you shall also do to them; for this is the law and the prophets” (Mt 7, 12). As Etzioni pointed out, the social application of this rule would end up accounting for the consequences of social disparity. I think he is right. If we read the text of the Decalogue carefully we must recognize that in spite of its grammatical form of hard apodictic law, a scent of empowering motivation can be found even there. The Golden Rule gives an opportunity first of all to think about the moral subject, i.e. about the moral thinker regarding his/her situation in the eyes of the other human being.

The Rule of Love plays an important role, too, in biblical texts. “You shall love the Lord your God with all your heart, with all your soul, with all your strength, and with all your mind; / and your neighbor as yourself” (L. 10,27). Reading only the second sentence it seems to be a subject of duty ethics. But if there is anything which cannot be commanded at all, love is precisely that. Conceiving love in the subjectivist-romantic tradition, it seemed to be emotivism for many readers. But after putting it back to the whole sentence the first part of it will serve as a hermeneutical key and show that it is a kind of *consequentialism*. The first part demands an existential gratitude towards the Creator, after which the second should follow: *Love your neighbour, because he/she is ‘a me’ too*. At this point it reveals itself to be a pure ethics of *responsibility* in the sense of a need of caring about the other on a decisive basis of equality and similarity.

One of the most beautiful examples of this meaning can be found in Derrida who expresses the overlapping need of creatures – not only to the extent of the human existence but further to the nonhuman world as well, in the manner of Martin Buber.

I think that responsible morality, as it follows from the above mentioned anthropological sources of human responsiveness in the language of philosophy, may be expressed in a prominent way with terms of personalism. The mainline of today’s protestant ethics follows this tradition too.

Some characteristics of ethics of responsibility in the protestant theological tradition

Through the steps of theological anthropology it can be realized that a human being is a finite creature, who – in his/her eternal now – partakes of the values of the past and shares responsibility for designing the present and protecting the future. S/he is a rela-

tional being with four determining relations, namely to him/herself, to other humans, to the non-human world and to God.

The Swiss ethicist Arthur Rich shows the importance of these basic relations with the notion of the four ethical dimensions of human acts when he discerns individual, personal, social and environmental kinds of ethics. Rich treats this last one as an “acting and ruling field” of the three previous ones. Let me mention two further names in the present context. Although their holders are not theologians but their contributions are at least partly in harmony with the efforts of theological ethics. I think both of their theories have contributed to a possible universal ethics in spite of their weaknesses.

The first one is Roberto Mangabeira Unger, a Brazilian politician and philosopher. Unger sees four flaws in the human condition. They are, our *mortality* and the facing of imminent death; our *groundlessness* in that we are unable to grasp the solution to the enigma of existence; our *insatiability* in that we always want more, and demand the infinite from the finite; and as a last one our *susceptibility to belittlement* which places us in a position to constantly confront a petty routine forcing us to die many little deaths.

As a second potential important early contributor to the question of a global universal ethics I would name Aldo Leopold.

His golden rule of the land ethic has many similarities to Jesus’ Golden Rule. It reads: “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.” It certainly could not function as a complete rule of ethics in its entirety but it gives a congruent impulse for taking account of the perspectives and motivations of our everyday acts. Leopold’s land ethic changes the role of *Homo sapiens* from conqueror of the land-owning community to a citizen of it. It implies respect for his fellow-members and also respect for the community as such. It is a closer “harmony” between people and nature, informed by science, woven into culture, inspired by ethics and spiritual insight. In the very act of compiling *The Land Ethic*, Leopold defined this challenge and broadened the conversation about the ethics of the human–nature relationship. This stands very close to the dialogical personalism of Martin Buber. In spite of its obvious aspects, a motivation can be gained from that for setting a great value on the interconnectedness of all life.

Leopold states that “all ethics [...] rest upon a single premise: that the individual is a member of a community of interdependent parts”. Ethical conduct is thus conduct that benefits the community. Leopold then argues that we must develop a notion of community which includes plants, animals, soils, and waters that we collectively call the land and of which we are an inextricable, interdependent, symbiotic part (see Meine 1988. 239).

As it is put in classic theological ethics, *greed* is the main anthropological case of habitual sin. As it confronts us with all of our communities, the only chance we have in facing it is to handle them in a responsible way. To handle them means to be a conscious member, living in and acting for these communities of the human and non-human world. As a ground for developing proper forms of effective responsibility, perspec-

tives of motivations are needed. A special kind of motivation can be gained from various fields of using our basic relations deliberately. As a biblical symbol, rainbow expresses the encounter but also a difference of the many communities of the Globe. Putting it with William Schweiker's notion of *overhumanization* and *hypertheism*, the rainbow can serve as a warning sign, reminding us to remaining capable of discerning between the sources of motivation or fascination and the places where responsibility is needed.

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The Connections Between Personal Maturity and Moral Consciousness

From a Catholic Perspective

GÉZA KUMINETZ

According to Christian philosophy, there is a harmony of three main factors that comprises personal maturity – these factors presuppose and act upon each other, but neither could be reduced to the other two. These are: emotional balance and the maturity of the moral consciousness and religious consciousness (the worldview). The quality of the moral consciousness is especially important, for this has the greatest influence on emotional and religious maturity.

Today, in the age of mass-societies, to develop these three factors is perhaps harder than ever before; that is why, perhaps, our age can be called (from this point of view) the twilight of norms. The need for a moral consciousness and worldview spontaneously awakens in man through the process of the personality's development. This need is a corollary of human nature, although man has to discover this terrain for himself – he has to establish his worldview (as the spirituality that gives final evaluation and program to his life) according to his best knowledge and conscience. This process, however, requires direction, without which the personality could become a mere torso, leading to an amoral and diabolical personality. The responsibility is huge in all factors of education: the family, the school, religion and the state itself.

Ethical principles (basic duties) should be conceived in the vein of human rights. But in this field, too, harmony between different ethical systems can only be achieved if we can agree on the essential contents of the basic duties. We need to respect the intellectual legacy of prior generations while we combat the demons of prejudice and the either/or alternative over and over again.

Christian philosophy takes human cognition to be able to conceive and implement such a moral code, upon which various ethical systems could be built – securing the unitas multiplex in this area as well.

Introduction

The fundamental question of our conference, asking whether there is an eternally and universally valid morality, is connected to other, no less important questions: if there is such a morality, can we acquire knowledge of it, can we make it our own – and do we want to bring it about?

Those who wish to enquire about the human moral dimension today find the following: observing the lives of different societies we discover various customs and moral ideas, perspectives on ethics that at times resemble or differ from one another, both in their depths and characteristic features, and can even contradict each other. Moreover, unity and variety also characterizes moral consciousness even in a single homogeneous society. The question that the scholar has to ask when confronted with this situation is whether these different conceptions and ethical systems truly contradict each other, or is this merely an opposition in appearances.

Our second observation is that moral consciousness is diminishing in Western countries, while spontaneous behaviour and knowingly chosen behaviour are on the rise. Habitual, however, does not necessarily equal moral (an assumed habit can signify either personal arbitrariness or an external convention), and knowingly chosen behaviour is not necessarily moral in character, since it may as well be rather manipulative (see pushy and amoral personalities). In the same time, today's man considers himself an adult, someone who is perfectly capable of shaping his own destiny, and does not require any kind of tutelage (while interpreting any kind of outside influence as coercion).

Our third discovery is that strictly scientific observations do not seem to validate claims of the world's maturity. In light of recent data, more than two thirds of the members of modern, progressive, space-travelling and electronic brain engineering Western civilization are emotionally unbalanced, morally childish, and religiously primitive. It seems that the lack of personal maturity has never been such a painful, crushing and actual problem than it is nowadays. (Szentmártoni 1978. 5)

Our fourth assumption is that the scientific-technological revolution and the capitalist mode of production have been providing unprecedented wealth and conveniences for huge masses of people for decades, but our time is plagued by a multivarious crisis. This signifies that the *Zeitgeist* – and the latent and manifest power that represents and shapes it – seems to have left important (mainly ethical) factors of maturation unattended.

The fifth realization is that in contemporary societies, narcissism and accompanying consumer-mentality are on the rise, which results in the depreciation and neglect of our past cultural achievements.

Economic man himself has given way to the psychological man our times. [...] The new narcissist is haunted not by guilt but by anxiety. He seeks not to inflict his own certainties on others but to find a meaning in life. Liberated from the superstitions of the past, he doubts even the reality of his own existence. Superficially relaxed and tolerant, he finds little use for

dogmas of racial and ethnic purity but at the same time forfeits the security of group loyalties and regards everyone as a rival for the favors conferred by the paternalistic state. His sexual attitudes are permissive rather than puritanical, even though his emancipation from ancient taboos brings him no sexual peace. Fiercely competitive in his demand for approval and acclaim, he distrusts competition because he associates it unconsciously with an unbridled urge to destroy. [...] He extols cooperation and teamwork while harboring deeply antisocial impulses. He praises respect for rules and regulations in the secret belief that they do not apply to him. Acquisitive in the sense that his cravings have no limits, he does not accumulate goods and provisions against the future, [...] but demands immediate gratification and lives in a state of restless, perpetually unsatisfied desire. The narcissist has no interest in the future because, in part, he has so little interest in the past. [...] In a narcissistic society – a society that gives increasing prominence and encouragement to narcissistic traits – the cultural devaluation of the past reflects not only the poverty of the prevailing ideologies, which have lost their grip on reality and abandoned the attempt to master it, but the poverty of the narcissist's inner life. (Lasch 1991. xvi-xvii)

Our sixth assertion concerns what could be called the twilight of norms: their overabundance coupled with a universal contempt towards them (they are viewed as unjustified limitations on personal freedom), and an externally motivated conformity towards them. It seems to be the case that the critical mass lacks a certain 'binder material' connecting them to pre-existent norms that we might identify as respect, noble sentiments, conscience or something else along these lines. Just think about the wars that are, after all, denials and denouncements of ethical and legal norms. (Cf. Bognár 1930. esp. 887) However, if the taking possession of human dignity means personal maturity, or "being somebody" in Rogers' sense, than it cannot be accomplished without internally motivated appreciation of norms.

It seems to be the case that human dignity cannot be found in the mere fact of being human, but in the quality of our moral consciousness. Moral consciousness, when acquired, functions as a representative of our self (with its intellectual, volitional and emotional unity), meaning that we identify ourselves with its judgements, entering the service of the purpose thought to be true.

According to the Catholic worldview, human dignity, the personal maturity of man, is constituted by the quality of his moral consciousness, since morality "sticks to the person. The metaphysical place of morality is the person." (Jánosi 1944. 19) The value of a person lies in his moral authenticity, not only in his observable accomplishments. This is the completion of human dignity, the constitution and cultivation of the moral condition. (Hársing 1999. 15)

Furthermore, human dignity is at the same time a given fact and the object of a task. A person can only take possession of his dignity through the process of nurturing, self-educating and creative work. With the help of our intelligence, we discover not only the various laws of nature, but the specific laws of our peculiar nature as well: the moral law that has a binding character, that requires our free decision to implement its commandment. It could be said that the human being is programmed not only genetically but even by the world of the spirit – although he has to find this program of the spirit and to design it personally. This spiritual program is called a worldview, with moral consciousness being one of its central dimensions.

Some epistemological remarks concerning the Catholic worldview and philosophy

Before we set out to study moral cognition, it is useful to briefly outline the Catholic stance on the nature and limits of human cognition.

Within the various kinds of philosophies there is philosophy based on the Christian attitude towards life and the Christian ideal of life as well. Here, we are only going to ask

what it takes for scientific Catholic thought to not only consider a philosophical system familiar, but to treat it as a colleague? What does it take for a system to be an assured tool of providing grounds for a devout Christian conviction, and of systematically constructing the truth revealed? (Schütz 1933. 234)

The nature of the spirit of Catholicity is such that it scrutinizes each attitude towards life and each worldview, and attempts to find seeds of truth in them – it aims to be complete and synthetic. Not every idea, of course, could be reconciled with Catholicity: there are ideas that stand in strict opposition of it. Not all kinds of philosophy are amenable, therefore, to adequately represent and express the Christian worldview. A system of philosophy has to meet three criteria (an epistemological, a metaphysical and a personal) to be properly deemed Christian (see Schütz 1933. 234-239). According to the epistemological criterion, it should not boil down to agnosticism (this comprises its lower limit). More precisely, it means that Christian philosophy takes the existence of the personal God, the immortality of the soul, the real, but somewhat limited freedom of the will, and the resultant moral duties to be truths that could be comprehended by reason. The upper limit is Gnosticism. There are certain secrets that can never be transformed into philosophical truths; that must always be viewed as secrets to the human mind. The Christian philosopher, therefore, defends the scientific autonomy of reason against the rising tendencies of scepticism, but does not allow this authority to become absolute independence and rationalism. He defends

the intelligibility of faith without becoming a fideist. According to the metaphysical criterion he regards God to be a real entity, not a postulate or a pure idea. Finally, the personal criterion: doing philosophy is the labour of love of the philosopher, it is his way of life; he values the inheritance of his predecessors, and knows that his ancestral lineage does not begin with him. The Christian philosopher is convinced that

a *logos spermatikos* manifests itself throughout history, towards the consequences of which we cannot claim indifference unpunished; who does not want to work in close collaboration with his predecessors in the spirit of a *philosophia perennis* deprives himself from inspirations and examinations of the most fruitful nature. (Schütz 1933. 236-237)

This also means that the Christian philosopher always examines the works of other thinkers thoroughly (and bears the burden of knowing that his own works might not be examined with the same attention by others – *acatholica semper leguntur, sed catholica non semper leguntur*).

Both expert and non-expert thinkers in the field defined the relation between faith and knowledge in various ways throughout history. The Catholic worldview deems radical a) such a conception of this relation according to which knowledge absorbs religious faith (either by placing faith inside the frames of reason (Kant), or by insisting that reason fully comprehends even the greatest secrets of faith (gnosis)), b) or the conception according to which faith absorbs knowledge (all knowledge is based on the revelation: this is the viewpoint of traditionalism). Christianity can only claim the way of true synthesis as his own, within which natural and supernatural do not degrade one another, but mutually make each other's areas clearer (see Schütz 1936. 82).

Philosophy and religion thus give the final answer to the questions of the human attitude towards life, its evaluation and to the final transcendent and immanent questions of life – and as such, both philosophy and religion, and even scientific reflections of them have conscience-like functions. Should there be no final answer we would have to relinquish faith in the meaningfulness of life, which would ultimately lead at first to the idol of narcissism (see Lasch 1991), and then culminate in nihilism and its destructive tendencies (see Horváth 1948 and 1949).

Anthropological considerations regarding human nature

The existence, essence, immutability and limits of human nature are differently evaluated within specific philosophical systems. The question appears to turn on whether there is a firm enough anthropological foundation that provides a correct judgement on being human. Nowadays, this foundation is perhaps best exemplified by the view

that a human being is a person, and his personhood is a cognitive, essence-generating, and activity-assigning principle as well as a point of reference. Consequently, in the following we wish to study the person that has to develop into a personality.

Our first consideration is that we view the human person as a rational being and as a moral being, who as a rational being seeks reason in the order of things, and controls his actions through the insights of reason; as a moral being is conscious of the inseparable ties that connect him to God and fellow-men, conscious of the resultant responsibility and regulates his behaviour accordingly. (Mihelics 1947. 19)

Secondly, it appears to be that the personality, that is, becoming somebody (see Rogers 2010), is closely connected to moral consciousness, and that moral consciousness is pervaded by timeless ethical principles – in the sense that the person who has developed his moral consciousness responsibly considers its validity to be absolute. Moral consciousness is totalizing but not totalitarian; it is what lends human consciousness its unity and the balance of the personality.

In the following, we briefly review the personality-models, the characterizations of human personality, by three scholars – characterizations that are complementary and demonstrate the ethically important aspects of personality.

According to Mihály Szentmártoni SJ, the development of a mature personality is the total realization of being human, and it has three essential components: emotional, moral and religious maturity.¹ In each case there are many and various obstacles to overcome. A human with a mature personality is characterized by the faculty and ability to

be able to construct a unity of his present that reaches towards the past but aims towards the future in his freely chosen or accepted calling. [...] The construction means that a man can unite all of his conscious and subconscious dimensions in a vision, into a unified worldview. We can

¹ „The man who has reached and developed his genetically given, hereditary possibilities in his corporeal development, and is capable of reproduction, is to be considered mature in a biological sense.” (Berentés 2012. 35) Emotional maturity “means that the individual has interiorized those emotionally grounded values and those habits of thought and behaviour that comprise the foundation of his motivational basis. Without these, we cannot speak of long lasting efficacy on either an individual or a social level. The emotionally mature person lives in harmony with the outside world, is capable of self-realization, is able to attain his goals through interpersonal relationships based on reciprocity, and puts his acquired knowledge to successful use. There is a natural correspondence between his values, his behaviour, and the efficacy of his actions.” (Berentés 2012. 36) Intellectual maturity “means that the person has acquired the skill of conceptual thinking, certain conditions of which are determined by biological maturation, but which ultimately arises through the means of upbringing and teaching. If someone is incapable of acquiring the minimal knowledge necessary for successful social adaptation, and cannot interpret his environment as something that comprises a system, or apprehend external influences, than that person could be deemed intellectually immature.” (Berentés 2012. 35)

therefore call an individual mature if he is able to integrate the three perspectives of his personality: his past, his present, and his future. (Szentmártoni 1978. 27)

According to the model of Katalin Horváth-Szabó, personality has three dimensions: body, psyche, and soul. The body does not warrant a special explanation, but the other two dimensions do.

Psyche connects the cognitive, emotional/motivational and relational areas, while the soul or the spiritual dimension contains spirituality, the tendency towards the transcendent. [...] The spiritual dimension is a distinct but exclusively human dimension of the mind, and it contains self-consciousness, experience, wondering, openness and the transcending of space and time. [...] The spirit expresses itself in consciousness, intelligent understanding, rational judgements and self-defined choices. (Horváth-Szabó 2010. 43-45)

The personality has three levels: 1. dispositional properties: inherited and acquired properties that manifest themselves in the peculiar properties of personality, against the background of the self. To inquire about the reasons behind these properties we need to have knowledge of the person's experiences in life, the way he interprets these experiences, his goals and his plans. 2. The level of personal plans and aspirations: while we own the properties, the realization of our plans and our appointed goals manifests itself in action and struggle. The kind of goals one sets depends greatly on his attitude towards life and his worldview (on his religion). 3. The level of identity: through which a person gives meaning and sense to his life, constructing a coherent worldview which becomes his own system of values, and which gives content and direction to his thoughts, feelings and actions. The whole personality is in the service of this system of values (Horváth-Szabó 2010. 49-52). Nowadays this personal worldview is called spirituality, global plan of life, a vision of life (as meaning-giving and acceptance), and the way of coping with various situations in life (Cencini 2011. 183-184). It can also be called the fundamental and unifying choice of value of life and meaning of life (De Fiores 1999. 1525). Mature religiosity is what completes spirituality,² since "religion integrates and organizes the converted and his life, it also gives him goals and dresses him in loyalty." (Horváth-Szabó 2010. 52 – see also Szentmártoni 1985. 810-817)

In the conception of Hildebrand Várkonyi OSB the greatest happiness in human life is personhood, the beautiful and harmonic personality. The lack thereof results

² It should be noted that religiosity does not simply mean being connected to a specific religious community, but instead refers to the fact that humans as beings with a worldview necessarily develop their value systems, their religions. Religious activity is fundamentally taken to mean the unconditional service of the highest value (deity), in contrast with magical or superstitious activities that aim to control the gods.

in suffering and hurtful people. He views human individuality as a *unitas multiplex*, so that the various dimensions of human existence are “connected and united by an inner spiritual link, and this unity, this whole comes before its parts.” (Várkonyi 1936. 737) This harmony or balance is, however, the dynamic union of opposites, unified and finalized (although not closed!) by the character in both the longitudinal- and cross-sections of time. Character, then, is what gives a personality appropriate self-restraint, a unified way of life and the style of personality, since only through its help, under the rule of a final, supreme value, can personality be a unified whole.³ However,

the harmony and balance that constitutes the final endpoint and rest of the soul's fluctuation is an ideal state that cannot be attained in reality. What is attainable is a relative harmony and relative balance which is equidistant to the stoically rigid tranquillity that is incapable of advancement (ataraxia), and to the restless, fundamentally unbalanced soul that is troubled by never-ending vicissitudes, or to the tragic personality harbouring a radical fracture. Harmony with ourselves and the world surrounding us is such an important and essential part of the personality, that other valuable goals are unattainable in its absence. [...] The concept of personality can thus be dissolved into the balance of the tension of opposites: unity – in a momentary and temporal plurality, harmony – between diverging elements, balance – in the dynamics of change. (Várkonyi 1936. 739)

Reason and liberty play a major part in the creation of this balance, harmony and unity – that is, in the creation of the character. They do so because

reason has a central position in the whole and the structure of personality. Neither our emotional, nor our volitional life can develop to a higher order when reason remains underdeveloped. The reason that permeates the depths, that perfectly grasps the essence and causal relations of things, that floats above both the spiritual and the material world, and mostly that is set to serve the truth: this reason is the leader and ruler of the emotional and volitional spheres of the soul, and it can turn them into deep and noble, solid and humble, consistent and benevolent. Truly deep emotional life is impossible to achieve for an entirely shallow personality – and true morality is not possible either without reason's sense for what is true, its aspiration towards truth, and its passion for truth. In all passions, even in the malignant ones, the rule of reason prevails. [...] This leading and centrally motivating role of reason, however, would prove to

³ It is worth noting, that this rule does not mean subjugation or enslavement, but organic integration that results in unity and balance.

be useless without the psychological element of personal freedom, with which it is inseparably interconnected. Only the free apprehension and recognition of truth is genuine understanding and knowledge; truth can only be approached through free service. [...] Many kinds of behaviour can be enforced upon us by external powers, but no kind of reason can be forced to have true convictions. [...] The self-defining and self-governing personality is free, because it is its own master; self-restraint is one of the most prized properties of personhood, as it guarantees a moral character. [...] Inner and outer liberty is an indispensable accessory of our human dignity. (Várkonyi 1936. 740)

The investigation of the contents of personality examines

those values, ideals and ideas towards which the activities and the way of life of a personality is directed. These values (truth, beauty, goodness, holiness, economic values etc.) are uncovered for the personality by the joint labour of reason and sentiment – and that is what makes them attractive, mandatory, in a word: valuable for the personality. [...] the ability to respectfully bow before the world of values is part of the totality of a true personality. Respect and piety are the chastity of spirit – the attitude of the spirit in which we can observe the secrets of the essence of things and the depths of values in their existence; it is therefore truly related to humility, to the philosophy of life that considers everything objectively, and that is neither conceited nor self-deprecating. [...] Respect towards values cannot be uncritical, it cannot be blind; but after the criticism of reason – applying the measuring stick of truth – the personality must give himself up to the respect. The richer the value-contents of a personality are, the more values he respects and realizes both in himself and his surrounding world, the more we trust in him. [...] The value-content drives the spectator to trust, respect and even love towards such a personality; these two things together characterize the personality capable of responsibility. Another driving force can also be distinguished in reason and sentiment: conscience, which is, on the one hand, a (delicate) sense for the maintenance and the fulfilment-conditions of moral values, on the other hand, the expression of a certain moral need, and, finally, the direct practical judgement of reason regarding what is permitted or prohibited in the realm of moral values. Conscience is nothing else, but the foundation and possibility of moral sentiment, upon which a whole world of actions rests. If we would like to answer the question how the personality discovers the world of values and especially the significant values for himself, we could state two axioms; one being: Knowledge according to

our best conscience, – the other being: conscience according to our best knowledge. (Várkonyi 1936. 740-741)⁴

Consequently adhering to these maxims prevents the personality from being biased, from fanaticism, prejudice, superficiality, love of comfort and indifference – this is what makes us meek and humble in the strictest meaning of these terms. Only those can become mature personalities whose knowledge

aspires for the greatest possible completeness [...] of truths and values, and attempts to acquire it according to their best conscience; and who follow their conscience according to their best knowledge in their actions. Thus it is nothing else than the innermost possible union of the soul with the truths and values. (Várkonyi 1936. 742)

Human personality, according to this conception, could only be developed through conflicts, so it is a task to be accomplished as well. The perfection of the human personality cannot reach divine perfection, but it can and it should become divinized. This trait makes the human aspiration for perfection heroic. Heroism itself appears as a kind of virtue; only with its help can a person defend his moral independence and keep his ability for unconditional goodwill even in the midst of the greatest derailing forces. The first condition of acquiring this virtue is self-restraint, which is instrumental since discipline could equally be used for good and bad. Self-restraint itself is a result of several acts of self-conquest, and it provides fertile ground for virtue, or the irreversible solidification of the propensity for good. Self-restraint is related to heroism, but it is a virtue in itself, since the propensity for evil is defeated through heroism. The hero “no longer battles his own evil inclinations, as he does not really battle anything anymore. The great battle and the final conquest of his inclinations had to have been already carried out to become a hero.” (Noszlopi 1932. 27) Further principles of this battle for the possession of values are the following:

self-conquest and selflessness on the one hand, and appropriate equipment and spiritual tactics on the other in order to realize the world of values. The battle that every person has to fight (the drama of life) requires sacrifice, according to the nature of the thing. Even recognizing and respecting the values requires a certain kind of renouncement of our egocentric aspirations, or at least it demands that we seek our own vindication through the realization of objective values. [...] Self-conquest,

⁴ It is worth noting that “a value from a personal perspective is something which we identify ourselves with, not merely superficially and momentarily, but instead about which we recognize that we have to identify with eternally and unconditionally for the sake of our substantial self. Ethical value is not an external rule of our will; instead, it is the essence of the latter: permanently refusing to follow it results in the decay of the personality.” (Noszlopi 1929. 134)

self-restraint, altruism and asceticism therefore belong to the development of the true personality. Certain ascetic instruments also belong in this category, the so-called techniques of value-realization: applications and instrument-applications stemming from the spirit of service in order to validate and realize truth.” (Várkonyi 1936. 743)

So “the trial of ethical maturity and tact is settled by how a man can know his way about different situations, how he can understand the imperative of the moment, and what power and directness he can use to combat the hostility of the situation.” (Kecskés 2003. 86)

It is clear from the discussed models that man is a being able to alter its biological characteristics within certain limits; a being that can reprogram its sentiments and emotional realm; a being that can transform its spiritual realm, that is, it can replace its worldview (rebirth, once, twice, multiple times born man). Moreover, in order for a man to gain full possession of his humanity and dignity, he should be ready to make these corrections throughout his life. This battle is painful until the inner and final firewall (the character) is complete, that true personally fine-tuned spirituality that enables a man to select what he lets into his inner realm, and what he lets out from there.

The moral consciousness and the cumbersome task of gaining possession of it

Awakening of the moral consciousness

Man is a being that necessarily constructs a worldview, a religion, because he does not only have the ability to understand the world and himself, but he also can and has to evaluate it, which is followed by the awakening of his moral consciousness.⁵ This awakening, however, can be smothered, corrupted and infantilized. This process might be called the alienation from our own essences. The man-torso that remains is the petty bourgeois, the mass-man and the diabolical man; while the former two are characterized by a weakening respect towards norms, the latter eliminates it altogether, replacing it with narcissism, egoism and arbitrariness.⁶

⁵ It should be noted that in every worldview and religion, the final categories that order and evaluate the world and man's relation to it are concentrated in beliefs, hopes and loves that move the thinking, acting and feeling person towards his goals.

⁶ This view can, in radical instances, lead to self-divinization, or a diabolic worldview that is unmercifully egotistic and consciously denies God and is hostile towards divinity. It denies “the nature that is dependent on and that is the partial realizer of the divine order, and it attempts to rise above it, and turn and act against it; it wishes to subjugate alien human souls, to exploit or coerce society into admiration, to turn culture away from absolute values towards himself. The non-admission of moral values means their conscious denial for it, in its infinite hubris, this rare but not unreal, radically magical ethical attitude anoints itself the lord of the supernatural reality.” (Brandenstein 1938. 35-36.)

The basic source of ethical values is our own value-consciousness, surrounded by its social consciousness – and the two are deeply interconnected. Society's moral consciousness reflects and keeps safe the ethical legacy of great individuals in ideal cases (see Brandenstein 1938. 12-15)

It is important to see that in the moral action, the person

is not the executer of a call from a sphere beyond reality, but the accomplisher or thwarter of demands stemming from his essential nature. Moral value stands before us in the specific life-tasks as the essential demand of reality, as the imperative of our being-human. Moral value-contents are impossible to define without their relations to actual life. (Kecskés 2003. 103)

Moral consciousness awakens spontaneously in man, but it needs direction and cultivation afterwards, since it is subject to both development and regress. We realize that we are the originators of some of our actions (although not all of them). The ethical order, just as well as the legal order and the order of decency, presupposes freedom: the choosing and carrying out of responsible actions in accordance with the values recognized to be true (see Guzzetti 1980. 7-8). Moral action presupposes intellect, will, and a sentiment that affirms values.⁷ One who acts according to accepted, interiorized moral prescriptions and principles, one who is guided by such a sentiment, is a good, honest and honourable man; a man who is loyal to his principles (see Kecskés 2003. 15-16).

The history of ethics, however, testifies to a multitude of contradictory moral regulations and codes; diversity and unity rule over the moral consciousness as well (see Hartmann 2013. 61-88). It is also known that each authority and worldview inevitably creates its own ethical code, which reflects its final value judgements and the adequate conscience (see Noszlopi 2012. 157). The main question is this: where are the limits of this unity and diversity (both within one society and between different societies)?

⁷ Sentiments are taken here to mean those unseen spiritual springs that move and regulate a man's whole personal and social life. According to Gyula Kornis, "in its ordinary meaning, sentiment refers to the sum of an individual's morally inclined emotional propensities, the ethical habitus of a man. For lack of a better term, we have to broaden the meaning of the term sentiment in our actual sense: here, it does not only designate emotional propensities (habitual emotions), but the real manifestations of those (actual sentiments) as well." (Kornis 1919. 220) Bernhard Häring takes sentiment to be the thought of the heart, a specific temperament in the foreground and during the course of action that regulates what a man holds to be ethically right or wrong, and that is not merely a sense of duty (as Kant saw it). Sentiment is much more than a sense of duty, for duty encapsulates "merely the obligation to act. Sentiment also contains the thought of duty; man is obligated to acquire the right sentiment and abolish the wrong. The essence of the sentiment, the basis of consciousness, however, is not duty, the fulfillment of our obligations, but the experience of the valuableness of the moral good. A sense of duty only covers obeying or disobeying a certain order. True sentiment is the perfect opposite of that: it is based on consciously experiencing moral values. Sense of duty stems from the spirit of the sentiment, which is open towards the order of values. Fulfilling obligations does not stand in direct and lively relation with the realm of values." (Häring 1967. 243-244)

Man can also err in his cognitive aspirations, there are many factors that could influence his clear ethical vision. Still, we have to believe that if we all have the same human essence, the same human nature, if fundamentally identical anthropological constants constitute the human person, then there should be only one moral order – while the question of recognizing and expressing it in the right way and admitting its binding power is quite another matter. Specific moral conventions and ethical systems are partially contradictory to one another and partially unitary, or they attempt to articulate, defend and delimit the same value through different regulations. Contradictory worldviews clash in this field as well, worldviews that can have clarifying or disturbing effects on one another. These contradictions, however, stem from the erroneous ethical judgements of particular worldviews and systems of power, not from an inherent duality in the moral order.

It is important therefore to study the various religions, myths and philosophical systems from an ethical point of view, since all of them possess some seeds of the truth. We have to appreciate the values of tradition, of the past.

Waking and developing the moral consciousness

The moral consciousness can awaken in man, but it needs waking and then nourishing throughout our whole lives. The framework we need for this process is nurturing (and later self-nurturing), and its prime aim is the constitution of moral consciousness: the ability to responsibly exercise our freedom (see Fináczy 1925. 3). We can also call this shaping and moulding activity the learning of an organized and happy life. Pedagogy therefore borrows its objective from ethics. That is why ethics could be called the base-science of pedagogy (see Erdey 1936. 96). Nurturing, then, has to proceed through a unified education of worldview, in which the intellectual, volitional and emotional dimensions of human consciousness should be presented as an organic whole. Educating the moral consciousness is not the task of only religion, it should be maintained independently, since the quality of our human existence depends on it, although religion can help to elaborate it. The fruit of the awakening of the moral consciousness is the insight that we have to fight for the prevalence of values. In the following, I outline what makes human life full of struggle, but also beneficial for the development of the personality.

Pain and suffering as the facilitators of and potential pitfalls for the development of our personalities and moral consciousness

The sources of suffering are found in the dimensions of human personality. The body could contract an illness, and pain signifies it (the biological balance is upset); the psyche is also subject to battles, with emotional stability at stake; while faith, hope and love should be born in our souls as the essence of our personal worldview. One who

has attained personal maturity could be characterized as having unity, balance and harmony – therefore he is not the cause of suffering for those in his environment. When we do not carry out our activities according to our best knowledge and conscience, we have not yet acquired the proper sense of responsibility, or we are not using our freedom in the right (the responsible) way. In these cases we are careless and preoccupied (*inadvertentia*), do not possess the knowledge required (*ignorantia*), and we can uncritically adopt false judgements (prejudice); while fear can also hinder us from seeing clearly and acting the right way. In the absence of proper self-restraint, seeing clearly may not prevent us from the pull of our passions and impure desires. Habit also has an enormous influence on our behaviour. Torture and violence are also causes of suffering (see Varga 1978. 26-30). It should be noted that the loving person with a mature personality can cause just pain, but only if “the beloved being should be changed in order to be fully capable of being loved.” (Lewis 2008. 67) It is the pain of nurturing a mature personality common to both tutor and nursing.

The crises inherent in the development of the personality are also sources of suffering: the main cause of conflicts in this area concerns the achievement of various identities, the construction of the appropriate plans of life (and loyalty towards it), or bravely changing an already established one (see Benkő – Szentmártoni 2002. 109-112). We have to find a great many identities simultaneously: sexual, occupational, national, linguistic, and religious. Finding identity means that we have properly gained possession of the relevant idea, ideal, or behavioural pattern. We ultimately pass an ethical judgement on the propriety of our own emotions, desires and intentions – a judgement that is conveyed by our conscience. The ability to form such a correct ethical judgement is a criterion of human life. Personal maturity, emotional balance, self-identity and authentic religious life cannot develop without the ability to formulate proper moral judgements. The constitution of the moral judgement requires the whole person, with all of his abilities;

his character, attitudes, subconscious determinants, emotions and his ability to make rational decisions. The whole person is visible on the subjective level in the experience of self-identity [...] If the moral judgement needs the whole person, then if someone lacks self-identity, it follows logically that he is incapable of making responsible moral choices that take the possible consequences into account as well. Or reversing this insight: every situation that calls for moral judgements sheds light on the person's deficient self-identity. (Szentmártoni 1981. 127-128)

In situations where moral decision is required, this person experiences his existential imperfection: that he is not who he is expected to be. This sentiment, which can be called existential sense of guilt, gives rise to negative emotions, that is, depression. Depression is just a symptom, the cry for help of a life derailed. There are three main dead ends of human life: a) the flight from existential anxiety: the dead end of the life-task

brushed aside: if a man brushes aside existential anxiety, the development of his personality gets stuck, because he brushes aside life as a task. b) the flight from freedom: the dead end of determinism: man is afraid to take the risk involved in freedom, so he finds shelter in determinism, he conditions his decisions and makes them dependent on something else in order to avoid the responsibility inherent in his freedom – but he relinquishes the most distinctive ability of being human in the process. And finally c) flight from the transcendent: the dead end of the aimless life: if such a man loses his external social support or his biological well-being, his self-identity loses its foundations, and his personality is in danger of disintegration, of falling into chaos. This results in drug-abuse, nihilism, amok and suicide (see Szentmártoni 1981. 130-134). These derailed lives are sources of great suffering (and danger) not just for the person himself, but to his global environment as well. Being captive of the passions is also detrimental to the personality, and comes with great suffering as well, since every idol reduces into slaves those who proceed without caution and recklessly seek danger. We can even say that the person is the hardware and the chosen religion or worldview is the software, and in the above cases one or both of them functions improperly.

Experiencing our guilt is also a source of suffering, for it shows us our responsibility; and we can neither place this burden on the inner necessities of human nature (indirectly, on the Creator), nor on the social collective or our innocent fellows. It is an illusion to think that the passing of time eliminates sin (see Lewis 2008. 74 & 81). The fruit of this suffering: we realize our disobedience, express remorse and ask for forgiveness – while the intention to mend and to repair wakes in us.

*The Christian man with mature personality –
in possession of his moral consciousness*

The fulfilment of the heroic pursue of the Christian ideal of life is the new man, who is a practical idealist in his actions, who

fights for ideal but attainable goals, who is a gentle and noble soul, but who can hold his ground in the existential battle. This type turns towards the spiritual values, for he represents a certain aesthetic-logical-ethical balance. Subtlety and power combine in him. On the inside, he is bright and agile, on the outside, he is calm, kind, tame and strict. He has a sense for beauty. He is conscious, logical, but he senses coherence instinctively. He feels and thinks deeply. He can immerse himself in something as well as produce great results in action. He is insistent: his does not stop the work he set out to do, only death can make him abandon it. He maintains his composure in times of great excitement as well. He is puzzling and disturbing at first, but later this effect is transformed into deep appreci-

ation in those who make contact with him. He unites the ferocity of the lion and the meekness of the lamb, the passion and fire of the Southern and impulsive people with the loyalty of those of the North. He is heroic, capable of self-sacrifice, and he even loves his enemies. Through great accomplishments and teaching he shows the beauty of his soul, he intrigues, incites suffering mixed with pleasure in the heart of men, he enchants them and makes them his followers [...] A certain synthesis of opposites is required to reach this highest level of human personality, which means that characteristics of a psychological type complement those of a different type [...] like how strong emotionality complements strong self-restraint. The highest level of personality also unites the strongest courage to life, the affirmation of the personal life and the highest possible freedom of decisions with the most successful adaptation to the environment and to universal capacities. This is similar to the unity of determination and freedom, to self-determination, which is called autonomy after Kant. [...] He is the synthetic man, [...] the unity of instinctiveness and consciousness, [...] of vitality and intellectuality. He unites [...] classicism and romanticism, transcendentalism and a sense of reality, idealism and realism, *vita contemplativa* and *vita activa*. [...] Ingredients of a sense of humour are also to be found in him. (Noszlopi 2012. 172-174)

He is prepared to suffer, and eventually die for his faith. He appreciates the value he believes in more than his life itself. He views suffering as the trial of human and Christian maturity (see Davanzo 1999. 1498). The Christian man understands that the Son of God did not suffer to make suffering of people unnecessary, but to make it identical with his own sufferings (see Lewis 2008. 6). Christ teaches us about the sanctity of suffering, and his testimony enables suffering to serve love (see Langen 1995. 33).

Conclusion

We introduced man as a being capable of autonomy, but who is not independent, who is the citizen of multiple worlds at the same time: that of biology, psychology and spirituality. He can only create unity and balance in his personality if the laws of the spirit more and more permeate the biological and psychological dimensions of his life. Therefore man needs to understand and appreciate his inner and outer world, his activity, thereby constructing a worldview and forming moral judgement that orders his relations to himself, the other, the cosmos and its Master, and that designates his position and activities in the world. The mark of this unity and balance is the consciousness (the worldview-filled parts of the self), as far as it determines our will; the moral consciousness gives it direction, while religion equips it with a specific solidity.

Man does not create but merely discovers the laws of the world and of his own personality; moreover, he has to recognize the essence of his humanity, his existence as an moral being. Moral consciousness, the categorical imperative of the moral law can grant the human person his maturity, the fulfilment of his dignity; because the service of this law grants a person unity and balance, it grants him the way of life in which he does everything according to his best knowledge and conscience in all times, in the service of the absolute values.⁸ Discovery and recognition of truth is itself moral in nature: I can only accept truth as the norm for my thinking and activities. Therefore, the seeking, finding, and following of truth imply the forming of right moral judgements. It is not according to man's arbitrariness

what he should take to be moral values, but he recognizes them based on their absolute superiority. Respect and humility are the right kinds of behaviour with respect to the moral value. The moral value's demand for unconditional realization is directed towards the absolute Reality, who, in his absolute being, is the absolute Value as well. (Kecskés 2003. 110)

Therefore, the individual and society both have great tasks in the development of mature personality. The individual's task is, once awakened to the fact that he is a moral being, to develop and correct himself (and should not himself be deformed), and to accept correction and justified criticisms from society. Being human therefore is not merely a given fact, but an enormous moral task as well – which implies a constant struggle, since one has to vanquish the internal and external hurdles that keep him from the truth (prejudices, fears, irrational desires etc.). The moral order shows a man for what he should and should not use his intellect and free will, and what kind of sentiments he has to construct in his consciousness. Respect and humble servitude of the moral order is therefore responsible for the maintenance of the unity and balance between man and his fellows as well as between him and his environment (see Kecskés 2003. 127).

If constructing and fighting for the moral consciousness is the most important human task, the precondition of peace and prosperity in society, then the basic obligation of the power representing society is to ensure that its members take the development of their moral consciousness to be their prime objective. In the case of education, this should mean that the most important subject should be ethics, since without the proper moral consciousness our human dignity remains a mere torso, which is the source of great unhappiness. Regarding society, it is not irrelevant what kinds of behaviour a given power takes to be ideal or tolerable. Without ethical maturity, the individual and his society both remain incapable of looking at specific behaviours from the vantage point of an ideal. The main tasks of society and the power representing it and guiding it towards its aims therefore are the following: a) negatively, it has to defend its citizens

⁸ In the absence of this, man suffocates in the swamp of his desires and thoughts (see Cattaneo 2014. 5-9).

from destructive forces threatening their personality; b) positively, it has to facilitate the solidification of an intact moral common knowledge, and representatives of power should also endeavour to reach the heights of the moral ideal and lead by example.

The mature personality is therefore emotionally balanced, and a major in an ethical and religious sense. It is signed by the purposive way of life, the integrity of the personality, the ability to make responsible decisions, creativity and the ability to serve community life (self-abnegation), and the respect of norms and their hierarchy (see Boda 1985. 161-167). As long as we fail to educate members of the society to properly respect norms, to be loyal to them, to admit their obligatory powers in their conscience, there would be no peace neither within hearts nor between nations.

The fruit of the battle for personal dignity is the disciplined man who is capable of self-nurturing, who is able to develop his emotional intelligence, to deepen his moral consciousness and perfect his worldview until the end of his life. This battle is the price of being humane, which not only requires *sacrificum intellectus*, but *sacrificum voluntatis et sensuum* as well. Emotional state, moral consciousness and religious identity are the three main tenets of man's personal maturity, as they all presuppose one another, and none of them is reducible to the other two. The emotional state is primarily responsible for loving values in the right way (belonging to them in the right way), moral consciousness is responsible for the knowledge and mandatory character of norms, and religion serves as a final support for the will. Their establishment is in a certain sense related to age. In the case of children, we should aim to develop the emotional basis of moral behaviour. In adolescence, the intellectual dimension of the moral consciousness is to be primarily developed, while the maturing person needs to reach religious self-identity for the final maturation of the personality. All of these criteria are important, but the quality of the moral consciousness is perhaps the most important of them all. For man is a historical being as well, who is nurtured by former generations who pass on to him what is regarded to be most valuable, programming his consciousness in the process. To be able to judge what is the most valuable presupposes the correct ability of making moral judgements. The man with an intact moral consciousness will be able to know what could become a right, what should and should not be made proper; what is and what is not a value for future generations to acquire. We should therefore assert that it is in a certain sense impossible to gain emotional stability if there are errors in our moral consciousness (or in that of the generation teaching us), since that is what has the final say on what should and should not happen. Moral consciousness, or the right judgement is what assigns and balances out the appropriate emotions; although that ability of self-correction is also an object of education. Moral consciousness also functions as the basis of religious consciousness, since it is what decides what can be a proper religious doctrine or way of life.

Man, however, has a certain freedom against the imperative of the moral order in a psychological sense: he can disagree with it, deny it, overwrite it, and distort it. Human

dignity then becomes more-or-less a mere torso, from the individual stuck on the level of conventionality, through the amoral personality all the way to the diabolical man (those who could not become somebody, personality, and those who brought out the worst in themselves – see Szentmártoni 1978. 78-127). The appropriately possessed moral consciousness means the responsible and right usage of human intellect and freedom.

If humanity constitutes a single species, then it belongs to one and the same reasonable nature, meaning that there is only one order of truth, goodness and beauty encoded in it (see Höffner 2002. 281-282). Therefore, there can be only one objectively valid and right order of morality and law (see Gatti 2008. 679-692). Discovering, recognizing, and following it, however, is not strictly subjugated to the law of development, since there can be eras in which humans are professional giants, while remaining moral dwarves. True development is only possible through the discovery, recognition and pursue of the right moral order. According to Christian philosophy, we can acquire knowledge of the essence of the moral order that is comprised of rather few basic principles in the vein of human rights. Thereby the Augustinian principle of legitimate diversity, essential unity, and love in everything is guaranteed. If man attempts to orient himself according to his best knowledge and conscience, he can find the time-proven principles and norms of this *ordo ethicus* in the sense of *perennitas*,⁹ and he will be able to navigate through their hierarchy. There is only one basic moral order – that is the key to eliminate double standards, and that is how the recurring attempts and spectres of arbitrariness which wants to tamper it could be precluded. This is how specific moral systems could be compared, and how their objective value could be established.¹⁰ It is only in this way that specific, compatible, but legitimately diverse ethical systems can be established. These principles have a common essential content, therefore accepting them amounts to accepting their content, their normative values and their binding power. In this way, it is possible to establish the ethical code of basic human duties that could serve as a foundation for human rights. Although should we be able to map out the rules of such a basic ethical code, it is important to know that man usually lacks the power to compare himself to the norm all the time and act according to its imperatives. Acting against the moral order is harmful to our fellow men, it damages our own dignity, and neglects or despises the author of the moral order. This process, that is to be found in every human being, raises, on the one hand,

⁹ Latin has at least three words for “eternal”: *perpetuitas*, *aeternitas* and *perennitas*.

¹⁰ Following Pál Kecskés, we can show the mistakes of various moral systems in two ways: 1. immanent criticism that uncovers inherent contradictions in the system, and 2. objective criticism, that follows the principles of another system (with its own possibility of mistakes), or performs its evaluating (but not condemnatory) activities according to timeless principles. When there is no absolute standard, then objective criticism can only be practised after proclaiming a certain system to be that standard, but which can nevertheless be relativized in the name of another system. Let us not forget though, that truth is more-or-less incarnated in every ethical system. If we correctly identify seeds of truth in the specific systems, we can in principle construct a more fully true system (see Kecskés 1981. 41).

the painful questions of sin, remorse and forgiveness – and on the other the possibility and necessity of external – perhaps divine – help.

If there is no one singular objectively valid moral order, and if there is no such order of absolute values, then truth, morality and beauty also fail to have a universal point of reference; therefore truth, morality and beauty are constructed by human arbitrariness, by the more powerful man, who construct and modify it according to his own selfish interests. The unforeseeable consequences of such a situation regarding the life and future of humanity are easily understood. Then man truly becomes wolf to himself and his fellow men, and even to his environment. If the order of morality does not pervade human consciousness, runaway phenomena known in evolutionary biology tend to manifest themselves in culture as well, and they make not only social, but individual processes of living a life uncontrollable (see Csányi 2010. 11-21). Egoism, which is one of the main obstacles in the way of becoming a mature personality, could be considered an evolutionary dead-end, the benefits of which are only short-lived (see Freund 2014. 7-12). This also means that man is in need of authentic help in order to truly possess his moral consciousness – he should not be left alone in his quests. His helpers in waking and developing the moral consciousness are his parents, teachers and religious personnel, whose authority and competence should be recognized by both the individual and society. The individual in whom the moral consciousness has awakened should also want to possess his humanity and the battles inherent in the process. Christian education places the emphasis in this respect on the awakening of the nursling's obligations towards being human. The Christian attitude towards life, value system and worldview do not distance themselves from anything in which Christianity recognizes humane values – it considers them his own, which makes it capable of factual discourse, brotherly and tolerant conduct. It is also aware that the same behaviour could depict different values, and that different kinds of behaviour could embody the same value. Man is a reasonable being who is capable of understanding the essence of his dignity which he interiorizes not due to his obligations but because of the trust he has in something that is bigger than him. Christianity is specifically the religion of ethics, fostered by three enormous spiritual legacies. The first one is the Jewish ethical monotheism. The second is constituted by the basic principles of human thought, which we owe to the ancient Greeks. And the third is the legal thinking of the Roman people. This fertile ground served as the basis for the science and practice of ethical thinking and action to blossom, for which we have the great philosophers of the Christian Antiquity and the Middle Ages to thank (see Bognár 1930. 884). But what does the ethical have to do with the rules of thinking and the principles of law? This connection is to be found in how ethics is the basis of thinking and the legal point of view as well, since reasonable thought itself is ethical in nature, for it is only to truth that we should cling to; while legal practice also has its ethical foundations, since forced and unprincipled adherence to rights (both in law-making and law-enforcement) results in

the greatest injustice (*summum ius summa iniuria*). Ultimately, the Christian view of the world is a) negatively, one of the strongest bastions defending moral consciousness from errors, destructive forces, ulterior emotions capable of inciting hysteria, and irrational factors; b) positively, one of the most noble religious powers teaching about the ideal of humanity. This ideal creates saints: people who are able to heroically practice moral virtues, who have reached the highest possible level of approaching the moral ideal, who have developed in themselves the purest quality of moral consciousness, who have truly reached the state of personal maturity.

The basis-nature of ethics regarding human emotions, thinking and actions shines through all of this, and Christianity has made a lasting impact in this area – that is why it is fruitful to study its legacy, its living traditions, in order for the highest possible amount of people to approach personal maturity, their own essences and the spirituality through which it can be expressed; to find religion (fitting in with their own personalities, too), that turns them into somebody who is worthy to be called a man, in life and death alike.

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I'll Take Revenge for my Mother's Soul, but Killing without Reason is Sin

Morals and Values in Siberian Nganasan Society

VIRÁG DYEKISS

Nganasan people live around the Arctic circle on the Taymyr Peninsula. The extreme climate and living conditions also affect the set of rules within the society. Every folklore has its own system reflecting the norms within a society and the values that have developed through the lifestyle and the options for survival. The life of Nganasans revolve around hunting for reindeer. They follow the migration path of herds, carrying their equipments on sleighs pulled by their domesticated reindeer. Families (sometimes two to three) traveling together belong to one clan, and during large hunts and main festivities they meet people from other clans as well. When this supporting community disappears, the life of the individual becomes desperate. In order to survive, they need to find new partners as soon as possible. Values are based on the interdependence between people in the community and that the individual is relatively worthless when it comes to the interest of the community. Their world is made up of several creatures: humans, animals, plants, spirits of deceased people and different legendary creatures. Each of these are separate nations and are regarded as moral creatures within their own societies. The different creatures have their own way of perceiving and understanding the world, and this all builds up around hunting. People see reindeer as their prey while evil spirits see people as their prey. Letting a potential prey live is a sin, but not considering the partner's (let it be an animal) point of view is also punished. This multi-viewpoint value system is one of the basis of animism.

Nganasan people, along with Nenets and Enets belong to the Northern Samoyedic language group. These peoples are part of the Uralic language family, therefore they have a distant relation to Hungarian language. Their home is the Western part of the Taymyr Peninsula that is located in the Taymyr Autonomous Okrug. They call themselves 'nya' which means 'someone who belongs to a compeer', 'Tavgi Samoyeds' was a commonly used name for them in Russian literature earlier.

In the latest census that was carried out in Russia in 2002, 834 people claimed that they belong to the Nganasan people. This low number can be regarded as constant throughout the centuries, because the harsh environment can not support more people. Unfortunately, the number of native speakers decreases radically nowadays.

Nganasans traditionally lived a nomadic lifestyle. Their main occupations were fishing and hunting – their main games were wild reindeer, furry animals and birds. In the summer they sometimes travelled 600-700 kms from South to North, and came back in the fall; because wild reindeer went to the Northern part of the Taymyr Peninsula, where they ate grass, the branches of willows and were protected from mosquitoes. However in the fall they set out again because of the hurricane-like icy storms and lack of food, and went back South to the woody tundra and taiga zone. Migration and the strong ties with nature are part of their culture's basic experiences. Summer's duty was to preserve food for winter storage. Reindeer breeding had a less significant role in their lives, but every family had its small reindeer herd. Domesticated reindeer were primarily used for pulling sleighs, but they used every little part of wild reindeer from head to toe, because their skin and dog coat are necessary for their clothing and for making tent sheets needed for residing. For ritual purposes only domesticated reindeer were used.

Because of their nomadic lifestyle, Nganasans could keep their independence until the 19th century. The assimilation efforts in the fifties brought about a drastic change in their lives. The up until that point migrating Nganasan groups were relocated to villages with Russian and Dolgan population, and their traditional lifestyle almost completely vanished. The capital of the territory is Dudinka, but most Nganasan residents live in Ust-Avam. Along with the loss of their lifestyle and language, their culture changed radically, but with the help of folklore literature we can take a look at this vanishing world.

Nganasan beliefs fit into the shaman beliefs of the arctic region, their world is filled and determined by different deities, helping or hostile spirits. When studying the beliefs of indigenous people, we traditionally distinguish miraculous beings, animals and people, which appear in different creature categories. We determine that, although according to the theory of animism (Tylor 1871) they all have souls, their way of living is different, and in the belief system they all have their own, well distinguishable roles.

When studying Nganasan folklore, however, it is striking that these categories are not evident, the border separating different creatures is permeable and malleable. This malleability does not only appear in myths, but in rites and customs described by different researchers as well. The same was observed by Rane Willerslev (2004, 2007) during his 18-month-long fieldwork among the Yukaghirs, and by Viverios de Castro (1998, 2012) during his research in Amazonia. The way of the approach is called *perspectivism* by Castro, because he believes that the essence of the worldview is, according to these indigenous people, that the different creatures all perceive the living, dynamic world from their own point of view. There is only physical difference between spirits, animals (predators and prey animals) and people, but they are all spirits. If special circumstances do not obtain, people see people as people, animals as animals and spirits as spirits (that is if they see them at all). Meanwhile prey animals perceive people as predators or spirits, while spirits and predators see people as prey. At the same time they take themselves to be people with culture, language, family structure

and inhabitation, into which others either cannot gain an insight or can only do so in special cases. This way multiple viewpoints appear regarding cosmology, where different creatures can perceive certain phenomena differently. At the same time values are compulsory for all peoples, and it includes several components that do take into account whether we talk about people, animals or deities.

In this study I analyze the moral system presented in the Nganasan folklore narratives. The Nganasan folklore has been collected since the 1930s, but the people's knowledge of Russian developed slowly. Today we can still find some Nganasans who do not speak Russian at all. This is the reason why ethnologists Boris O. Dolgih and Andrej A. Popov, who visited the area in the 1930s, could hardly find any Russian-speaking Nganasan. Therefore, they had to conduct their research in Dolgan and with the help of an interpreter, in very poor Russian. Labanauskas Kazis, a Lithuanian researcher, and Valentin Gusev, a Russian linguist, with his colleagues have all contributed to a text corpus in Nganasan, which serves as the most important source for this study. The texts, accurately recorded for linguistic analysis, together with a precise translation and a special dictionary, tripled the size of the accessible Nganasan corpus. After a thorough, critical review, folklore texts recorded in Russian can also be used as source. Thus, Galina Gracheva's field notes and the published works of Boris Dolgih's folklore research from the 1930s and the collections of Jurij B. Simchenko from the 1970s and '80s can also be included in the analysis.

The folklore texts used as a source mainly include myths, epic songs and some narratives about famous shamans. The most important texts are the long heroic epics, the *sitebis*. These belong to the genre of epic songs, and have recitative, sung and spoken parts. All the texts used for the analysis are based on the lifestyle the Nganasans led before they have settled. Thus they represent their traditional worldview. Since these stories were considered to be sacred, their main elements changed very slowly over time. The same conclusion can be drawn from the similarity of the various texts. From the contrasting data it is clear that Nganasans did not have a unified set of beliefs about the human life. Therefore, we are only able to draw some broad outlines.

One of the main function of myths, historical and mythical heroic songs and texts about shaman tales or stories of supernatural encounters, in every society, is to help and teach how to get by in the world. It is also true regarding that fact that the system of norms are learned – *inter alia* – through these stories, to which they could refer back to, and which also provided sources for legitimation. There were stories that presented a sin and its punishment as a cautionary tale, although its opposite appeared as well: the trickster figure, who sometimes appears as the wraith of the culture hero, and other times as the fool who does not apply the basic rules of living in this world. The actions of the trickster highlight the negative side of certain norms, and the story builds around these elements.

If we read the epic stories of different peoples, we may marvel that the same basic story appears with a completely different tone in different communities. It may happen, that we do not understand the line of events, or we are shocked because it is full

of unexpected twists, or perhaps we face unnecessary cruelty. Each folklore has its principles, which refer to a society's inner system of norms as well as the values crystallized by its lifestyle and the possibilities of survival – taking all this into account, the previously uninterpretable text becomes clear. The natural environment of Nganasans create circumstances that make an impression on their values.

Community and individuals

The main value for Nganasans, this nomadic group of people, is the community of converging people who help each other. Families who wander together belong to one (sometimes two or three) clans, and they meet the members of other clans during prominent feasts or huntings (Popov 1966). If this supporting community ceases to exist, the life of the individual becomes hopeless, he has to find new companions to secure his survival. The community and the individual are inseparably related, they mutually presuppose one another. The shaman's relation to the community maps this point of view very well: in case there is sorrow threatening members of the community, the shaman goes on a trip to the otherworld to propitiate the harmful deity or to fight with it for the human soul. The shaman "takes" all the people living together with him, since the triangles on the spine and bottom of the shaman's clothes represent the tents of those standing behind him. (Kortt-Simchenko 1990, Gracheva 1996.) Without them, the shaman would be lost in the otherworld. This way he not only helps those committed to him, but he is dependant on them as well.

The desires, health and life of the individual are all secondary when it comes to the interests of the community. In case they go hunting as a group, everyone has their own tasks and they can obtain all the meat that lasts until the end of winter, all at once. They force the wild reindeer herd into a lake or river, and the best hunters shoot them with arrows. Although when hunting individually there is room for the skills of the young man, in this case the most important task of the less experienced hunters is to keep the reindeer on the path, not to bring down the game. If they happen to do so, there is a chance the animals will spread and they will not reach the water where it is harder for them to move and it is easier to bring them down (Popov 1966.). Deranging the group hunt results in death or extrusion from the community. The ambitions of the individual must not come about at the expense of the community.

For the Nganasan people famine was the most threatening of all adversities. According to one shaman tale, a shaman who was facing starvation discovered that the failures were caused by a deity who wished to have the most beautiful woman in the camp, the daughter-in-law of the shaman. The shaman promptly strangled the woman before her daughters' very eyes. The woman herself accepted this as the natural course of action. Her husband, however, who arrived from hunting with a wild reindeer as his prey shortly after the episode, moved away to another encampment, and never spoke

to his father again (N-06_otryvok.doc). The woman's life was less valuable than the lives of the many she saved by sacrificing her own. The Nganasan people did not and could not protect the lives of the individuals at any cost. Sickly people or a woman in labor for example could not be taken along on the journey following the reindeer, thus the group is forced to leave these individuals behind at their previous encampment. They could not jeopardize the survival of the whole group for the well-being of the sick.

Killing and punishment

The punishment for any wrongdoings also stems from the connection between the individual and the community. Committing offenses always results in punishment, and in the Nganasan folklore the punishment is often aimed not at the perpetrator, but rather at his or her community, or people close to the offender. The punishment often comes in the form of death to the sinners' acquaintances, and this results in the sinner ending up alone, without a community. In Hungarian folklore, the punishment usually strikes those who commit the sin, whereas here the most profound punishment is for the sinner to end up all alone, and thus lose his or her roots.

The orphaned child or the individual who has become all alone sets out to find companions. Taking in a lonely roamer was not a moral obligation according to the Nganasan ethics, but it was considered a virtue. It was however forbidden to hurt or kill these lonely individuals, even if there was no reason to believe that they had anyone left to avenge the harm inflicted upon them, or their death.

The most grievous sin in the eyes of the Nganasan people is killing without a reason. An individual's life is not only their own, and by ending it the offender harms the whole community. For a sin such as this one, the perpetrator must pay with their own life, even if they are a significant hero, a savior of many, the protagonist of a heroic song lasting several days. These heroic songs are usually built upon a central act of vengeance (eg. Labanauskas 2001). The hero starts his journey for either this reason, or to find refuge somewhere, but eventually he comes upon malevolent characters, who threaten to take his life, and thus the vengeance becomes well-founded. If the hero does not face malignance in the song, then the opposite parties initially don't match their strengths in a lethal combat, but rather some form of challenge or contest (such as an eating challenge or a jumping contest). Justified vengeance is not considered a sin, indeed neither is it a sin to kill all the residents of a hostile encampment in order to move closer to the antagonist, the true enemy. The heroes of the myths and tales stand for the whole community. When everyone dies during the combat, and only the hero and the antagonist stay alive for the final battle, the community has served its purpose: it defended the strongest, the shamanic hero, who maintained their life up to this point. (K-06_Lakuna.doc) By the end of these tales, one genus perishes completely, but all the nameless casualties practically

don't even have any significance, the shaman or the hero is always in the focal point of the events. The hero's death is always equal to the death of the community, however the death of the community does not necessarily mean the death of the hero.

The victorious hero often gets used to the act of killing, or starts to perceive any unknown individuals as enemies, thus he begins to kill innocent people, which in turn leads to his own death.

If we accept that the Nganasan people somehow view the animals which are important to them (reindeer, bears, dogs etc.) as similar to them, or even as persons, then we must ask the question why killing in the course of hunting is a righteous act, why it is not perceived as a sin. Based on the folklore we can state that the prey gives its life voluntarily to the hunter, it wishes to offer its hide and meat to him. The killing of an animal has its proper way: the animal must be hit on the neck, or, if a trap is used to catch the prey, then it must be hit on the head when captured. The animal's soul and strength are in its eyes, so these must be removed and, after saying a short prayer, left on the ground. This way the animal's soul will return to Mother Earth, and a new animal can be born. If this ritual is not completed, or if the hunter willfully fails to kill the animal offered to him, he is acting erroneously.

Furthermore, it is not acceptable for the hunter to finish off with his – either human or animal – prey, even if he is righteously pursuing them. For example he must not kick, yank or scold his dead foe, and he must not yell at its corpse.

The prohibition of offending the dead is not a unique rule, there are also norms which regulate the individual's relationship with his peers, with strangers, and with other species – animals, the dead, and mythic creatures.

Sin or right?

Nagging, pointless questioning, harassing or just bothering the other person is a serious sin in Nganasan folklore. Questioning the decision of the shaman or of other leaders, or asking them questions is so absurd, that such things are not even found in texts. There are texts however, where someone will be asking an animal to acquire information. It is considered harassment if people are noisy in the location of totems or if people are wandering around a funeral sleigh or a tomb. The consequence of such sins in folklore is death.

The judgement of theft is controversial in texts. Here we find the multi-aspect approach mentioned before. Theft is a rather serious crime among the Nganasans, the thief has to be punished, may even be killed. Since people have to make a living from very little, the loss of that little may deprive the victim of survival. The shaman who is also the leader of the campsite is in some sense the owner of the people led by him, the people he has under his power, and their death appears like the theft committed by illness-demons that steal the human soul and devour it. The shaman sets out to avenge the crime or to find out its causes.

One's life can be stolen in a much more tangible way as well – the stealing of a wife makes a man's life impossible, for he cannot survive alone. The stealing of a wife is a crime the husband must avenge, and the offender must be destroyed (Dolgi 1967).

However, if a reindeer is licking fat, or a wolf kills the reindeer at night, or perchance a one-armed and one-legged man is stealing meat in the middle of the night, one should take into account the thief's situation (Labanauskas 2001.). There are numerous stories built around thefts where, from the aspect of a man who is seriously or mildly harmed, while the other party considers the stolen goods as ordinary booty or rightful property he is entitled to, the former takes revenge for the injury committed against him.

The prohibitions and values discussed so far apply equally to the creatures of the world of humans, animals and of the supernatural. Theft, unnecessary harassment, and senseless murder are forbidden. Each nation has its own internal set of values, however, because each interprets the world in its own way. What appears to be senseless murder for man, may be harmless hunting for the human-eating giant, and as such it is certainly not a crime.

Preserving the values

On behalf of the deities, the earthly protector of the standards is the bear. The Bears are a transition between the benevolent mythological creatures, and people and animals; they are at home in all three worlds. The bear is usually merciful, the friend of man (Gracheva 1983). Of himself he says he has a soul, has a mind (*korse*) and it is straight and flat. According to man, the bear is like a man, it is indifferent whether we speak about a man or a bear, since both understand the human speech. The bear never transgresses the mandatory or optional rules delineated by human values. These rules apply to him self-evidently, since he is just a human, but his original dwelling place is not here but in the upper world. He takes revenge against both people and animals if he sees a serious violation. He tells the wolf, who is a powerful predator like himself, that it is wrong to kill the reindeer herds without limitation to devour meat. He strictly punishes the offences of humans as well; this is his important task in the world order. He threatens with destruction or death all those who commit unnecessary killing without proper cause for revenge. The punishment is particularly severe in the case of killing a defenceless woman or child. In this case the bear may kill not only the offender, but his whole family as well (Dolgi 1976).

Just as the human rules apply to the bear, the Nganasan man has to regard the bear as his brother, and cannot kill him unless the bear is asking for it. The bear will express a death wish by jumping in the path of an arrow or not leaving despite calls from the hunter, acting like he is waiting for him. The bear understands human language, therefore his staying expresses his wish to be killed (Popov 1984).

In the human world, the keeper of the norms is the shaman. He is the arbitrator in disputes, and he is also able to find the cause of any problems brought on by super-

natural powers: he can explain these problems and also fend them off. For this very reason it is very dangerous for the shaman himself to make any mistakes. According to a legend that can be found in many variations, a very powerful shaman skinned an orphan girl to use her skin to create a drum that would be more powerful than any other drums. The drum was created and it did have the sound of a thunder, but the shaman had to pay the price for his actions, and his whole genus perished, because their leader killed a person for the wrong reason (eg. D-03_EN+ES-1.doc).

Conclusion

Many ideas unusual to us are perfectly logical consequences of the world order according to the Nganasan world view: human life carries less of an individual value than in our world view, in the Nganasan people's eyes the genus is of real significance – only a strong community assures survival. The unity of nature and man, respecting every other creature besides humans is of crucial importance. Without this, life would be impossible on this desolate land. There is an unstable equilibrium that has to be protected, and anything that endangers it must be severely punished. This is the message conveyed by the order in the myths.

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♦ II ♦

HISTORICAL PERSPECTIVES I.
CLASSICAL APPROACHES

Common Preconceptions and their Application in Epictetus

ÁGOSTON GUBA

In my paper I discuss a late example of the Stoic theory of common preconceptions in Epictetus, and I seek to show what might be considered primarily Epictetan in it. For Epictetus the practical issues are in the foreground. Assuming the impossibility of moral conflict as the consequence of the main characteristics of preconceptions, he held that philosophical education is necessary for the correct application of preconceptions. I will argue that only taking into account the criteria of happiness enables someone to apply the preconceptions correctly, only to the sphere of choice, in other words, to those things that are in our power. In the last part of my paper I outline a possible connection between the application of preconceptions and theology.

One of the most discussed issues in ancient philosophy is the Stoic theory of common conceptions or preconceptions. The amount of sources about this theory that have come down to us is quite limited, and even the majority of the relevant sources (Plutarch, Alexander of Aphrodisias, Sextus Empiricus) survived in polemic works against Stoics. What seems to be certain is that the theory originated from Chrysippus, who in addition to the cognitive impression (*phantasia katalēptikē*) regarded preconceptions as criteria of truth as well¹; moreover, according to another source, Chrysippus also maintained that these conceptions are innate (*emphytoi prolēpseis*).² However, the faithful reconstruction of the theory raises several questions. How can the theory be reconciled with the empirical position of the Stoics? What are those things exactly that have preconceptions? How can they function as criteria of truth? What is the relation between the different terms referring seemingly to the same kind of conceptions (*koinē ennoia*, *prolēpsis*, *physikē ennoia*, etc.)? Different interpretations have emerged concerning this topic in scholarship.³

¹ DL 7.54 (= LS 40A)

² Plut. St. rep. 1041E (= LS 60B)

³ Bonhöffer (1890) was the first who treated the common (pre)conceptions comprehensively in his *Epictet und die Stoa*. His interpretation, in a simplified way, was that the common preconceptions were restricted to the sphere of ethics and theology. In his opinion, although people are born together with preconceptions, these are present in them in embryonic state. Later Sandbach (1931) – whose interpretation has become widely accepted – refused this view. With the thorough analysis of numerous texts, Sandbach demonstrated that the theory of preconceptions in Bonhöffer's interpretation is irreconcilable with the known empirical

In my paper I discuss how common preconceptions appear in a late Stoic work, the *Discourses* of Epictetus. I do not deal with the basic questions of research and I do not discuss to what extent can Epictetus be considered an authentic source of the original theory of the early Stoa.⁴ I show that for Epictetus the theory of preconceptions is relevant rather on the practical than the theoretical level: he focuses on the application of preconceptions in practical ethics, and not so much on their role in epistemology. First, I go through the general characteristics of preconceptions and the special epistemological status they have (Section 1). Then I explicate how preconceptions are presented in practical context in Epictetus. The genuine characteristics of preconceptions would not allow moral conflict, but its existence shows the necessity of philosophical education, and the realization of the reason of the conflict means, in the words of Epictetus, the beginning of philosophy (Section 2). In order to be able to fulfil their function as *canons* in particular cases, preconceptions are articulated during the philosophical education. The conditions that make happiness possible reveal that the sphere of application of preconceptions can solely be those things that are in our power (Section 3). Next, I outline the possible connections between the application of preconceptions and theology (Section 4). Finally, I sum up the main arguments of my paper and make some general conclusions about the Epictetan theory of common preconceptions (Section 5).⁵

The general characteristics of preconceptions

Based on the titles given by Arrian the central themes of some discourses is connected to preconceptions: *On Preconceptions* (*Peri tōn prolēpseōn*; 1.22) and *How Should We Apply Our Preconceptions To Particular Instances?* (*Pōs epharmosteon tas prolēpseis tois epi merous*; 2.17). However, it would be misleading and would not provide a complete view of the topic if one considered only these, since the writings of the *Discourses* do not explicate a given philosophical topic systematically in the manner of treatises, but several related texts can be found in different parts of the work. Therefore, in addition

position of the Stoics. He dismissed some of the sources as untrustworthy, among them also Epictetus. Sandbach's final conclusion is that since the Stoic notion derives from the Epicurean philosophy, they are not innate but obtained through perception. Of the recent interpretations I also refer to that of Jackson-McCabe (2004) that, breaking with the aforementioned dichotomy, explained the innate character of preconceptions described in the texts with the theory of *oikeiōsis*. Most recently Dysson (2009) discussed in detail the theory in his *Prolepsis and Ennoia in the Early Stoa*.

⁴ Belonging to the late Stoa, usually Epictetus is not among the authentic sources in respect to this topic. However, it is worth pointing out that the *Discourses* suggest that Epictetus knew the works of Chrysippus much better, and these had a more significant influence on him than it would be implied by the point of view following the traditional periodization of the Stoa (cf. 1.4.28-32).

⁵ The translations are based on Hard (1995). Whenever I found necessary, I slightly modified his translations.

to the two above-mentioned discourses, in my paper I will also rely on several passages of other different works. One of the general descriptions of preconceptions can be read at the beginning of the 1.22:⁶

Preconceptions are common to all men; and one preconception does not contradict another. For, who of us does not assume, that the good is advantageous and what we should choose, and, in all circumstances, seek and pursue? And which of us does not assume that justice is fair and becoming? Whence, then, arises the conflict? In applying these preconceptions to particular cases. As when one person cries: ‘He acted well, he is a courageous man’; and another: ‘No, he is out of his senses.’ Hence arises the conflict of men with one another. This is the conflict between Jews and Syrians and Egyptians and Romans, not whether holiness should be honoured above all else and pursued in all circumstances, but whether eating swine’s flesh be consistent with holiness or not. (1.22. 1-4)⁷

Two essential characteristics of preconceptions are present in the first sentence. The first one (“common to all men”), in all likelihood, refers to their universal attribute, i.e. every single human-being *qua* human-being has them. The second part of the sentence is less obvious, because it can be interpreted in two different ways: (1) the preconceptions of two men about the same thing do not contradict each other, or (2) the preconceptions about two different things do not contradict each other. (In the second interpretation, thus, the statement is independent from the human beings and it claims that preconceptions make up a consistent system.) If one takes into consideration the entire text, the first interpretation seems to be more probable: people outline a given preconception in the same way, but their opinions on which concrete entities belong to the class of this preconception are different.⁸

⁶ Although – as I mentioned – generally Epictetus is not considered to be among the most important sources of the theory of common (pre)conceptions of the early Stoa, this section is exceptional: even Long and Sedley include it as an authentic source in their edition (40S), but they omit other passages in the Discourses regarding the common preconceptions (e.g. 2.11.1-4 that I quote in the next passage). All the passages of Epictetus are reported in the Appendix D of Dysson (2009). However, it is controversial whether that was the original meaning of “common” (*koinai*) in the early Stoa: Obbink (1992) has convincingly argued that the expression meant just “widespread” rather than “common to all”.

⁷ Προλήψεις κοιναὶ πᾶσιν ἀνθρώποις εἰσὶν· καὶ πρόληψις προλήψει οὐ μάχεται. τίς γὰρ ἡμῶν οὐ τίθησιν, ὅτι τὸ ἀγαθὸν συμφέρον ἐστὶ καὶ αἰρετὸν καὶ ἐκ πάσης αὐτὸ περιστάσεως δεῖ μετιέναι καὶ διώκειν; τίς δ’ ἡμῶν οὐ τίθησιν, ὅτι τὸ δίκαιον καλὸν ἐστὶ καὶ πρέπον; πότ’ οὖν ἡ μάχη γίνεται; περὶ τὴν ἐφαρμογὴν τῶν προλήψεων ταῖς ἐπὶ μέρους οὐσίαις, ὅταν ὁ μὲν εἴπῃ ‘καλῶς ἐποίησεν, ἀνδρείός ἐστιν’· ‘οὐ, ἀλλ’ ἀπενενοημένος.’ ἔνθεν ἡ μάχη γίνεται τοῖς ἀνθρώποις πρὸς ἀλλήλους. αὕτη ἐστὶν ἡ Ἰουδαίων καὶ Σύρων καὶ Αἰγυπτίων καὶ Ῥωμαίων μάχη, οὐ περὶ τοῦ ὅτι τὸ ὅσιον πάντων προτιμητέον καὶ ἐν παντὶ μεταδιωκτέον, ἀλλὰ πότερόν ἐστιν ὅσιον τοῦτο τὸ χοιρεῖον φαγεῖν ἢ ἀνόσιον.

⁸ The first interpretation is supported by 4.1.44-45 as well. Providing two similar possible interpretations, Dobbin advocates also the first one (Dobbin 1998. 191).

Besides, the general characteristics of preconceptions are described in another passage of the *Discourses*. That is the introductory part of *What Is The Beginning Of Philosophy?* (2.11):

The beginning of philosophy, at least for those who enter upon it in the proper way and by the front door, is a consciousness of our own weakness, and incapacity with regard to necessary things. For we came into the world without any natural conception of a right-angled triangle, or of a quarter-tone or half-tone; but we learn what each of these is by some kind of systematic instruction, and for that reason those who have no knowledge of them do not imagine that they know what they are. But whoever came into the world without an innate conception of what is good and evil, honourable and base, becoming and unbecoming, and what happiness and misery are, and what is appropriate to us and forms our lot in life, and what we ought to do and ought not to do? Thus all of us make use of these terms, and endeavour to apply our preconceptions to particular cases. (2.11.1-4)⁹

Despite its vagueness, this passage gives some valuable information about preconceptions. What makes the difference among the conceptions is their epistemological status: people acquire them differently. Certain conceptions can be acquired by the instructions of some kind of profession (*ek tinos technikēs paralēpseōs*); for example the geometric (right-angled triangle) and musical (half-tone) concepts, that are both part of a mathematical science, as far as geometry or music can be considered as a discipline studying ratios.¹⁰ The second type of conceptions is more obscure: the items belonging to this class are not acquired through instruction like the former, and if one follows the plausible interpretation of 2.11.3-4, not even through experience, because one already possesses them since the moment of birth (*tis ouk echón emphyton ennoian elēlythen*).¹¹ Several terms refer to the latter class, such as natural conception (*physei ennoia*), innate conception (*emphytos ennoia*) and finally, the most frequently

⁹ Ἀρχὴ φιλοσοφίας παρὰ γε τοῖς ὡς δεῖ καὶ κατὰ θύραν ἀπτομένοις αὐτῆς συναισθήσις τῆς αὐτοῦ ἀσθενείας καὶ ἀδυναμίας περὶ τὰ ἀναγκαῖα. ὀρθογωνίου μὲν γὰρ τριγώνου ἢ διέσεως ἡμιτονίου οὐδεμίαν φύσει ἔννοيان ἤκομεν ἔχοντες, ἀλλ' ἔκ τινος τεχνικῆς παραλήψεως διδασκόμεθα ἕκαστον αὐτῶν καὶ διὰ τοῦτο οἱ μὴ εἰδότες αὐτὰ οὐδ' οἶονται εἰδέναι. ἀγαθοῦ δὲ καὶ κακοῦ καὶ καλοῦ καὶ αἰσχροῦ καὶ πρέποντος καὶ ἀπρεποῦς καὶ εὐδαιμονίας καὶ προσήκοντος καὶ ἐπιβάλλοντος καὶ ὃ τι δεῖ ποιῆσαι καὶ ὃ τι οὐ δεῖ ποιῆσαι τίς οὐκ ἔχων ἔμφυτον ἔννοيان ἐλήλυθεν; διὰ τοῦτο πάντες χρῶμεθα τοῖς ὀνόμασιν καὶ ἐφαρμόζειν πειρώμεθα τὰς προλήψεις ταῖς ἐπὶ μέρους οὐσίαις.

¹⁰ On the idea of similarity between geometry and music, see for example: Resp. 521c-531c.

¹¹ In my opinion the reason of this distinction is that Epictetus attempts to mark off his own theory of common preconceptions from a Platonic viewpoint claiming that there are other innate conceptions (a good example of the innate geometric conceptions is the dialogue between Socrates and the slave boy in the *Meno*, see Men. 82b-86c).

used preconception (*prolēpsis*). Based on the examples cited by Epictetus, it can be ascertained that the class of preconceptions comprises only *ethical* conceptions.

In spite of these differences, it should be noted that from a certain aspect for Epictetus the conceptions of these two classes share the same feature: he conceives both as universal conceptions. Although geometrical and musical concepts are the results of the process of abstraction, they become common to all after instruction. The difference in the aspect of the origin of conceptions is what explains why people's relations to these two types of conceptions differ. Whereas with the first class of conceptions people do not think that they know them (since they do not even know about their existence), the case is completely the opposite with the second class due to their characteristics. The latter, namely that the application of preconceptions does not require instruction, is supported by the fact that people are able to apply these conceptions in their descriptions of the world (e.g. a child uses the concepts of good and bad alike). Yet this fact has a further consequence that Epictetus points out: the knowledge and the application of preconceptions do not depend on the instruction of a certain profession and thus people think that they know preconceptions satisfactorily and use them correctly.¹²

A counter-argument, however, can demonstrate that this view is untenable. If all people had the same preconceptions and really understood them, then they would consider the same things either good or bad, so in other words a moral conflict would not be possible. But that is obviously not the case. According to Epictetus, the conflict among people arises from the application of preconceptions to particular cases (*to epharmozein tas prolēpseis tais epi merous ousiais*), i.e. they use different preconceptions in the same case. The reasons of this conflict are that people in fact do not understand accurately the preconceptions though they have them since birth, and therefore they cannot apply them correctly. The realization of the incompatibility between the universality of preconceptions and moral conflicts is the first step that leads towards the Epictetan philosophy.

Preconceptions in practical context: moral conflict and the beginning of the philosophy

Let us turn back to 2.11 of the *Discourses* and examine it from another point of view. The central theme of this discourse is the beginning of philosophy (*archē tēs philosophias*), in other words, what leads someone to the study of philosophy. The discourse entitled *To Naso* (*Pros Nasōna*; 2.14) can also be understood as a related case-study: the noble Roman officer Naso visits Epictetus with his son. Presenting and reflecting upon his own pedagogical method, Epictetus talks with Naso about the beginning of

¹² 2.11.5-6

the study of philosophy. Their dialogue has a fixed order, which is known from another discourse, too.¹³ Epictetus agrees with his partner (1) that the partner possesses preconceptions (good, bad, honourable, base, etc.) and (2) that he applies these preconceptions to particular cases but Epictetus thinks that (3) it is doubtful whether his partner applies the preconceptions correctly. His doubt is supported by the numerous moral conflicts in the world.

The ability of his partner to start his studies in philosophy depends on the recognition of the origin of moral conflicts and that he does not apply the preconceptions correctly to particular cases. The realization of these is not a simple cognitive act but it requires a change in attitude: someone who starts philosophy removes his self-conceit (*oiēsis*) in the matter of the application of preconceptions, where self-conceit means that he believes to know such things that in reality he does not know.¹⁴ Naso is an excellent example of this kind of self-conceit. When his ignorance is pointed out by Epictetus, Naso gets angry, and, referring to his high social status, he refuses to re-examine the meaning of the most basic conceptions he uses. (It is not known whether Naso was able to face his weaknesses revealed by Epictetus, since – like a Socratic dialogue in Plato – the end of the story remains open.)

It may happen of course that the partner is not willing to admit that he does not apply his preconceptions in the right way. In this case he has to give an account of the criteria on which his method, considered to be correct, is established. The answer to this seems simple. One believes that something is good or bad because it appears to be so; in other words, the first impression (*to phanēn, phantasia*) about a certain thing or event, which is either desirable or to be avoided, is necessarily correct.¹⁵ Epictetus admits that it is understandable if people judge a given case by their first unexamined impression and they act accordingly since these have some kind of persuasiveness (*pithanotēs*) that induce people to believe them.¹⁶ Epictetus argues against this view in the widespread Sceptical manner: people do not have such a criterion that would help them judge whether the given impressions and the opinions (*dogma*) and habits

¹³ 2.11.7-9; 2.14.14-18

¹⁴ See for example: 2.11.6; 2.17.1; 3.23.16. The initial self-conceit of the partner (i.e. he believes that he knows what he does not know in fact) is refused by Epictetus usually in a dialogue-form during which his partner re-examines all his earlier views about the most basic things. This method is associated with Socrates, as it is referred to by Epictetus himself as well in 3.14.8-9. Relying on Vlastos' interpretation of the Socratic elenchus, Long discusses the connection between the Socratic and Epictetan discourses; Long 2001. 82-86. In addition to the removal of the self-conceit, Bonhöffer also underlines the consciousness of moral conflicts among people; Bonhöffer 1890. 3-4. The ambiguity of the term *oiēsis*, expressing at the same time emotional attitude and false assumption based solely on appearance (e.g. 2.11.8), is exploited by Epictetus in the Discourses.

¹⁵ Cf. 1.28.28-33; 2.11.10-12.

¹⁶ 1.27.3-6; 2.22.6; 3.7.22. The Stoics explained the deterioration of human reason by the communication with companions (*tōn synontōn katēchēsis*) and the above-mentioned persuasive power of impressions (SVF III, 228-236). See more: Bonhöffer 1890. 274-275; Dobbin 1998. 215.

(*ethos*) originating from them are true or false. Moreover, it is the difference among these three that is the cause of the moral conflict.¹⁷

Those who do not accept that they do not apply their preconceptions correctly can still argue against Epictetus by modifying the above-mentioned view. Not only certain preconceptions are possessed since birth can be considered natural (*physei*), but it can be also supposed with good reason that they are used according to nature in a correct way. Yet it is not necessary to presuppose that different usages of two different persons must not contradict each other, similarly to preconceptions.

Referring to a distinction, Epictetus would not accept this counter-argument: he distinguishes between the use (*chrēsis*) and the understanding (*parakolouthēsis*).¹⁸ Applying it to preconceptions means the following: all animals (and also humans) are able to use their impressions, so they interpret the impressions from the external world and give answers to them in their actions. In order for the human-being, however, to be able to fulfil his proper function (*ergon*), he should understand satisfactorily his preconceptions and also know the right method for dealing with them. Preconceptions are common to all and do not contradict each other, so after their understanding the application can take place only in *one single* way. As the concept of the right-angled triangle cannot be applied correctly to a particular right-angled triangle and an obtuse-angled triangle at the same time, the preconception of good cannot be applied to two contradictory events. Only one correct application of the good is possible, like in the case of mathematical concepts (this is why Epictetus speaks about *anankaia* in 2.11.1, which means “necessary” and “necessary for life” in this context).

In the light of all this, Epictetus’ conversational partner has to admit that the use of preconceptions in itself does not mean that they are used correctly. It leads him to acknowledge that philosophical education (*to paideuesthai*) is indispensable. In the words of Epictetus:

What, then, is it to be engaged in education? To learn how to apply natural preconceptions to particular cases, in accordance with nature; and, further, to distinguish that some things are in our power, others not. (1.22.9)¹⁹

The project of philosophical education in a nutshell is that one learns to apply his preconceptions to particular cases in accordance with nature (*katallēlōs tē physei*).²⁰

¹⁷ See in particular: 2.11.15. For the Sceptical sources of Epictetus, see: Dobbin 1998. 192.

¹⁸ The distinction between use and understanding occur in different contexts. The most frequently occurring topic is related to the use of the impressions and its understanding (1.6.12-22; 2.8.6-8; 4.7.32). What is particularly relevant for my paper is the use of preconceptions and their understanding (2.14.14-16).

¹⁹ Τί οὖν ἐστι τὸ παιδεύεσθαι; μαθάνειν τὰς φυσικὰς προλήψεις ἐφαρμόζειν ταῖς ἐπὶ μέρους οὐσίαις καταλλήλως τῇ φύσει καὶ λοιπὸν διελεῖν, ὅτι τῶν ὄντων τὰ μὲν ἐστὶν ἐφ’ ἡμῖν, τὰ δὲ οὐκ ἐφ’ ἡμῖν.

²⁰ 1.2.5-6; 1.22.9

But preconceptions in their original forms are not suitable for the appropriate description. In order to be able to be applied correctly to particular cases, preconceptions need explication or articulation, and only then can they fulfill their function as *canon*.

Preconceptions in practical context: articulation and canon-function

First it should be noted that the reason why preconceptions are not suitable for the application to particular cases is not because they are false. All people give the same definitions of preconceptions containing some correct elements, but these are not satisfactory since they are too general²¹ and therefore applicable to contradictory cases, as in 1.22. Preconceptions must be defined properly; this process is called articulation (*diarthrōsis*) by Epictetus.²² Despite articulation playing a central role in the philosophical instruction in Epictetus, he does not provide any systematic exposition of how preconceptions can be formulated in an exact manner.

If the already mentioned epistemic status of preconceptions is taken into account, than how can they be articulated? Preconceptions are not created by abstraction, so they cannot be defined based on experience, since the objects of experience for their moral uncertainty are those that one wants to judge with preconceptions. This peculiarity of their epistemic status may cause further complications, especially in the features of the good. As we have seen, all people attribute certain features to the good (e.g. preferable – *haireton*), but these are unsuitable to define it. Other features, in turn, are not self-evident (e.g. free – *eleutheron*) but they are apt to provide the peculiar characteristic (*to idion*) in the definition of the good. But how can these new “synthetic judgements” of the good be acquired?

According to Epictetus, the desire for happiness (*euroia, eudaimonia*) is innate and common to all, like preconceptions. People become happy if they reach what they consider good, and therefore they have a natural desire for not to be hindered (*to akōlyton / aparapodiston einai*) in it.²³ With the claim that god gave desire for happiness to people, Epictetus places the issue into theological context. This statement has a serious implication: god would not have given such a desire to the people that they are not able to satisfy,²⁴ because this would completely contradict the Stoic conception of the rational world-order. Epictetus refers to numerous people who, although they reached what they regarded to be good (richness, office, love, etc.), remained at least as unhap-

²¹ Bonhöffer 1890. 189

²² The notion *diarthrōsis* appears first in Chrysippus and it seems that he also used this term markedly for the definition of ethical preconceptions (LS 32I, 40G). On the view of the early Stoa about the definition, see: SVF II, 224-230 and LS 32. On the articulation: Bonhöffer 1890.189-191.

²³ 3.23.34

²⁴ 3.24.1-3

py as they had been before, which in possession of the good seems to be impossible.²⁵ Unhappiness is an obvious sign of the incorrect use of preconceptions, since they are not articulated; happiness, in turn, should be the most evident indicator of these two.

Thus the requirement of Epictetus for the good is that it should be available in all circumstances by everybody. The same criteria appear in the well-known distinction of “that is in our power” (*eph’ hēmin*) and “that is not in our power” (*ouk eph’ hēmin*): only that can be attained that is in our power. Relating this to the present topic, Epictetus excludes the possibility of the application of any kind of preconceptions that are not in our power: these are the indifferent things (*ta adiaphora*).²⁶ The preconceptions of good or bad are applicable solely to those things that are in our power. In the description of the philosophical education, as we have seen, in addition to the acquisition of the right application of preconceptions, one should also learn the distinction between those things that *are* and that *are not* in our power. Both of these formulations refer to the same process.

Bearing in mind this identification, the preconceptions can be considered articulated enough to be used as *canons* in particular cases.²⁷ This makes it possible for someone to be systematic in one’s actions. People regarded certain things to be good or bad because of the persuasiveness of their impressions, so they tried to obtain or avoid them, but the use of already articulated preconceptions as *canons* overrule this persuasive power.²⁸ During the application of articulated preconceptions, first it should be decided whether they are in our power or not, and only then can it be examined whether they can be considered good or bad at all:

[...] Go out at the break of dawn, examine whomsoever you see or hear, and then answer, as if to a question. What you have seen? A handsome person? Apply the rule. It is within the sphere of choice or outside of it? Outside it. Throw it away. What have you seen? One grieving for the death of his child? Apply the rule. Death is outside the sphere of choice. Throw it aside. A consul met you? Apply the rule. What kind of thing is a consulship? Within the sphere of choice or outside it? Outside it. Throw this aside too. It does not stand the test. Fling it away. It is nothing to you. (3.3.14-15)²⁹

²⁵ 3.22.26-31; 4.1.45-50

²⁶ 2.17.1-2

²⁷ The use of preconceptions as canons in the early Stoa was different from the use of Epictetus. On the early Stoic view of the usage, see: Dysson 2009. 23-47.

²⁸ 1.27.6

²⁹ εὐθὺς ὄρθρου προελθὼν ὃν ἂν ἴδῃς, ὃν ἂν ἀκούσῃς, ἐξέταξε, ἀποκρίνου ὡς πρὸς ἐρώτημα. τί εἶδες; καλὸν ἢ καλὴν; ἔπαγε τὸν κανόνα. ἀπροαίρετον ἢ προαιρετικόν; ἀπροαίρετον· αἶρε ἔξω. τί εἶδες; πενθοῦν<τ’> ἐπὶ τέκνου τελευτῇ; ἔπαγε τὸν κανόνα. ὁ θάνατός ἐστιν ἀπροαίρε-τον· αἶρε ἐκ τοῦ μέσου. ἀπῆντησέ σοι ὑπατος; ἔπαγε τὸν κανόνα. ὑπατεία ποῖόν τι ἐστίν; ἀπροαίρετον ἢ προαιρετικόν; ἀπροαίρετον· αἶρε καὶ τοῦτο, οὐκ ἔστι δόκιμον· ἀπόβαλε, οὐδὲν πρὸς σέ.

In another passage Epictetus calls the *canons*, with his unique expression, the real nature of the good and the bad (*ousia tou agathou kai kakou*):

What does it matter to me, says Epictetus, whether the universe is composed of atoms or uncompounded substances, or of fire and earth? It is not sufficient to know the true nature of the good and the bad, and the measurements of our desires and aversions, and also of our impulses to act and not to act, and by making use of these as canons, to order of affairs of our life, to bid those things that are beyond us farewell [...] (*fr.* 1)³⁰

The right interpretation of the expression is presumably not a concrete object (to which the word *ousia* would refer), but rather a satisfactorily defined preconception. The distinction between things that are in our power and that are not is also present in the text implicitly since it is the measurement (*ta metra*) of all the subsequent things.

The connection between the application of preconceptions and theology

As it has already been shown, Epictetus regarded the articulated preconceptions as *canons* that should be applied in the human actions, and he also called them the “true nature of the good and the bad”. This expression has a key role in the following passage as well:

God brings benefit; but the good also brings benefit. It would seem, then, that where the true nature of god is, there too is the true nature of the good. What, then, is the true nature of god? Flesh? – Heaven forbid! Land? Fame? – Heaven forbid! Intelligence? Knowledge? Right reason? – Certainly. Here, then, without more ado, seek the true nature of the good. [...] (2.8.1-3)³¹

The starting point of the text is that the most basic characteristic of the god and the good coincides, and this is the reason why Epictetus associates the two: the characteristics of god should also be the characteristics of the good. The statement that the god is reason means, in the case of the good, that it is reason to which the concept of good can be applied. In my opinion Epictetus offers here another way to a more accurate understanding of preconceptions of good through the examination of the characteristics of the god.

³⁰ Τί μοι μέλει, φησί, πότερον ἐξ ἀτόμων ἢ ἐξ ἀμερῶν ἢ ἐκ πυρὸς καὶ γῆς συνέστηκε τὰ ὄντα; οὐ γὰρ ἀρκεῖ μαθεῖν τὴν οὐσίαν τοῦ ἀγαθοῦ καὶ κακοῦ καὶ τὰ μέτρα τῶν ὀρέξεων καὶ ἐκκλίσεων καὶ ἔτι ὁρμῶν καὶ ἀφορμῶν καὶ τούτοις ὥσπερ κανόνσι χρώμενον διοικεῖν τὰ τοῦ βίου, τὰ δ' ὑπὲρ ἡμᾶς ταῦτα χαίρειν ἔαν [...]

³¹ Ὁ θεὸς ὠφέλιμος· ἀλλὰ καὶ τὰγαθὸν ὠφέλιμον. εἰκὸς οὖν, ὅπου ἡ οὐσία τοῦ θεοῦ, ἐκεῖ εἶναι καὶ τὴν τοῦ ἀγαθοῦ. τίς οὖν οὐσία θεοῦ; σὰρξ; μὴ γένοιτο. ἀγρός; μὴ γένοιτο. φήμη; μὴ γένοιτο. νοῦς, ἐπιστήμη, λόγος ὁρθός. ἐνταῦθα τοῖνυν ἀπλῶς ζητεῖ τὴν οὐσίαν τοῦ ἀγαθοῦ.

Although in some earlier sources it can be read that people have innate conceptions about the gods,³² Epictetus does not mention this. There are hints, however, that suggest that in Epictetus the conception of god does not belong to this kind of conceptions. The term *hypolēpsis* in relation with gods appears in *Ench.* 31., and it can be known from other *loci* that this term is used in the sense of opinion (*dogma*) in Epictetus.³³ People form their opinions based on experience, which can be either right or wrong – in contrast to the preconceptions. People are able to form a right opinion about god if they realize that the universe has a rational order originating from the provident divinity.³⁴

The similar place of preconceptions and theological studies in the philosophical curriculum also shows their connection. In 2.14 Epictetus, immediately before talking about the incorrect use of preconceptions, tells Naso that the first task of a man who is about to start his studies in philosophy is to learn the right opinions about god.³⁵ It is more probable that the order of these two activities is reverse: first the student has to recognize that he did not use correctly his preconceptions, and then the second is that he acquires new theological knowledge. During this, the student gets acquainted with the basic characteristic of god: free (*eleutheros*), faithful (*pistos*), beneficent (*euergetikos*), and high-minded (*megalophrōn*). The realization of all this does not merely have a theoretical relevance but it also presents god as a paradigm for the students of philosophy. So according to Epictetus, theology not only helps people to understand what kind of things preconceptions can be generally applied to (i.e. the class of things belonging to the sphere of free choice), but also what *concretely* the good is within this sphere. The good is applicable to a certain moral character, which is similar to that of the god.

Concluding remarks

The theory of common preconceptions has an essential importance in the philosophy of Epictetus in several aspects. Yet his interest in this field is not theoretical: he does not discuss metaphysical or epistemological questions relating to preconceptions but takes their basic characteristics for axiomatic, such as that they are innate, universal and ethical. Epictetus focuses rather on the practical side: if preconceptions truly have such a character, how can any moral conflict exist? The answer lies in their original inarticulate state and thus in their incorrect application. Preconceptions need to be articulated; this cannot be done through logical analysis only, but by considering other points of view, like the possibility of gaining happiness or theological teachings as well.

³² For example Cicero ND II, 12-15; Seneca Ep. 117.6. On the innate conception of the gods in the Stoics: Bonhöffer 1890. 218-222; Jackson-McCabe 2004. 341-346. On Epictetus' concept of god, see Algra (2007).

³³ See: 1.11.33; 2.20.11

³⁴ 1.6.1-11

³⁵ 2.14.9-13

The most significant result of the articulation is that it enables people to decide the sphere in which these ethical preconceptions are applicable. As to their applicability, the separation of these spheres coincides with the central Epictetan distinction between what is in our power and what is not. So, apart from placing the application of preconceptions in the foreground, it is this distinction with which the earlier Stoic theory becomes genuinely Epictetan. In addition to establishing the theoretical possibility of universal morality, Epictetus also aims at defining the conditions of its realization.

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On the Role of Ethical Maxims in the System of Classical Interpretation of Law

TAMÁS NÓTÁRI

*The present paper has a modest aim; it does not offer a general survey, much rather an introspection into the problem. First, it enumerates the occurrences of this proverb in the sources of Roman literature (I.); after that, it investigates the meaning of *summum ius* in relation to the principle *ars boni et aequi* and the concept of Justice in legal sources and Cicero's works (II.); finally, it will consider the further-reaching consequences of this *proverbium* in *Adagia* by Erasmus of Rotterdam, one of the most important humanists (III.).*

I.

Interpretation based on maxims of legal logic occupies an honourable place among the possible methods of legal interpretation; this is done most frequently by using basic concepts originating from the classical period of Roman law, which facilitate orientation among contradictory decrees and help to clarify the meaning of legal rules. Here belong the following principles, widely known in Modestinus's formulation but dating from the period of the *leges XII tabularum*: "*lex posterior derogat legi priori*" (XII tab. 12, 5; Mod. D. 1, 4, 4), the Papinian "*lex specialis derogat legi generali*" (Pap. D. 48, 19, 41; 50, 17, 80), and the "*lex primaria derogat legi subsidiariae*". It is a basic interpretive principle, that the legal rule should be interpreted in its integrity, not by extracting certain parts of it (Cels. D. 1, 3, 24). Following the letter of the law often leads to its evasion (Paul. D. 1, 3, 29.), during interpretation the legislator's intention should be taken into account (Cels. D. 1, 3, 19), and if this is doubtful, the more lenient solution should be preferred (Marc. D. 28, 4, 3 pr.). All these can be traced back to a highly philosophical, Celsian principle – also widely accepted in contemporary legal thinking – which declares that the vocation of the Law is to implement Justice, asserting that "*ius est ars boni et aequi*" (Ulp. D. 1, 1, 1), the Law is an art of the Good and the Just. Out of these, the procedure called *in fraudem legis* is related to the statement that enforcing the letter of the law often leads to inequity contradictory with the spirit of the law; i.e., to injustice. Cicero also quotes this *proverbium*, widely spread as early as in the age of the Republic, which remained in use in his formulation until today: "*summum ius summa iniuria*" (Cic. off. 1, 33); i.e., the utmost enforcement of the law leads to the greatest injustice.

This idea first occurs in Terence's comedy, *Heautontimoroumenos*:

Neque tu scilicet / illuc confugies: 'Quid mea? Num mihi datumst? Num iussi? Num illa oppignerare filiam meam me invito potuit?' Verum illuc, Cherme, / dicunt: Ius summum saepe summast malitia (Ter. *Heaut.* 792 ff.)

The situation is the following: Syrus asks Chermes for money, so that he could help his young master, but in order to get the sum he claims that he needs it for Chermes's daughter. The law is indubitably on Chermes's side, but unconditioned clinging to the law cannot be reconciliated with the *pietas* and *clementia* expected from a Roman *pater familias*. In order to analyse the *summa malitia* turning point it is useful to peruse some meanings and the most typical occurrences of the *summus*–*summa*–*summum* adjective and the different connotations of the word *malitia*. In its original meaning *summus* is the Latin equivalent of the Greek *hypathos* (Walde–Hofmann 1954. II. 630). Varro (Varro *ling.* 8, 75) and Isidorus Hispalensis (Isid. *etym.* 1, 7, 27) use it as a grammatical technical term for the explanation of the *superlativus*, Quintilian applies it for the description of rhetorical amplification (Quint. *inst.* 7, 10). Used figuratively, it can be encountered in many places, both with temporal meaning (Plaut. *Asin.* 534; *Persa* 33; *Pseud.* 374; Cic. *Cato* 78; Suet. *Tib.* 64, 4) and in relation to social status (Plaut. *Cist.* 516; *Amph.* 77; *Capt.* 279; *Merc.* 694; *Stich.* 409; *Persa* 418; Cic. *Tusc.* 2, 144); e.g., applied to the *optimates* and the *nobiles* (Plaut. *Stich.* 492 f.; *Cist.* 23 f.; *Pseud.* 70; *Merc.* 604; Ter. *Heaut.* 227. 609; *Ad.* 502) as the contradiction of the *humiles*, the *infima plebs* (Plaut. *Cist.* 24 f.; Ter. *Eun.* 489; *Hec.* 380; Cic. *Att.* 4, 1, 5; *Phil.* 2, 3) and the *infimus ordo* (Carcattera 1971. 631 ff.). Isidorus describes the word *malitia*, deriving from the word *malus*, as the evil thought of mind (Isid. *diff.* 1, 358); it is used by many authors as the synonym of *astutia* and *calliditas* (Isid. *etym.* 10, 6; Carcareta 1971. 638). In the prologue of *Heautontimoroumenos* Terence mentions *expressis verbis* the Greek type of his comedy (Ter. *Heaut.* 4–5), which, with regard to the above cited *proverbium*, can most probably be identified with two lines by Menander (Menandr. Nr. 545), although the two ideas do not correspond word for word. Terence speaks about *ius*, whereas Menander mentions *nomoi*; i.e., the laws and not *dikaion*. The *synkhophantēs* carries a slightly wider semantic load than *malitia*, which could be translated into Latin as *damnum*, *calumnia* or *malum*, in any way designating a content in contradiction with the spirit and destination of *ius*.

Don. *Comm. in Ter. Heaut.* 792 ff. *Summum ius saepe summa est malitia id enim, quod datum est, utique reddendum est, sed iure cautum est, ut filia quidquid acceperit vel filiae nomine datum fuerit, quae in familia est, non recte datum videatur. Itaque aequitatis est ut debitum solvi debeat, ius est ut sic datum reddatur: ita summum ius summa malitia.*

Lian akribōs can be equally translated by the phrase *summo iure* or *nimis exacto quodam studio* (Carcatterra 1971. 641). Hence it becomes obvious that Terence heavily altered the Menandrian thought and adapted it to the circumstances of Roman legal life but preserved its basic message (Carcatterra 1971. 644).

Hieronymus takes his version from this Terentian *locus*: “O vere ius summum summa malitia” (Hier. *epist.* 1, 44). A statement with similar content (*summum ius summa crux*) is formulated by Columella (Colum. *rust.* 1, 7, 1 f.), when he speaks about the responsibilities of the *pater familias* and the *dominus*:

comiter agat cum colonis facilemque se prebeat, ...sed nec dominus in unaquaque re, cui colonum obligaverit, tenax esse sui iuris debet, sicut in diebus pecuniarum vel lignis et ceteris paucibus accessionibus exigendis, quarum cura maiorem molestiam quam impensam rusticis adfert. Nec sane vindicandum nobis quidquid licet, nam summum ius antiqui summam putabant crucem.

So it is forbidden to deal too harshly with the *colonii*, and the master should exercise the virtues of meekness and consideration (Fuhrmann 1971. 74).

The *proverbium* passed into legal common knowledge in Cicero’s formulation in *De officiis* (Cic. *off.* 1, 33): “Existunt saepe iniuriae calumnia quadam et nimis callida, sed malitiosa iuris interpretatione. Ex quo illud ‘summum ius summa iniuria’ factum est iam tritum sermone proverbium.” Consequently, it is not *ius* itself that results in *iniuria*, but the malevolent enforcement of a seemingly lawful claim is the case when injustice is committed under the mask of law enforcement (Bürge 1974. 53). Examining the bequeathing of the *proverbium*, one can safely assert that the versions of Terentius and Columella are more closely connected with each other than with the Ciceronian *antithesis*, and that they represent an earlier stage in the formulation of this thought (Stroux 1926. 21; Fuhrmann 1971. 74). In these two authors’ works the clash of the legal and moral norms becomes foregrounded; i.e., the action permitted and approved by *ius* becomes contestable from the side of *mos* (Stroux 1926. 49). The Ciceronian formulation goes even further: it is not only the legal and ethical norms that conflict here, but the collision takes place within the legal system (Fuhrmann 1971. 75). The claim is made not only for a morally correct decision but also for the right and just application of the law. The proverb objects to the abuse of the law, to its literal and not sensible interpretation (Büchner 1953. 12; Tomulescu 1968. 230). The phrase *factum etiam tritum sermone proverbium* could refer to the fact that Cicero himself took over the idea of *summum ius summa iniuria* from an earlier *auctor* or the practice on the *forum*, or it can be assumed that he is referring to his own rhetorical practice when he emphasises the great familiarity of the proverb, as he frequently used the phrases *summo iure agere* and *summo iure contendere* too (Cic. *Verr.* 6, 4; *Att.* 16, 15, 1).

However, he greatly exceeds the requirement of equitable legal interpretation in *De legibus*, where, among other things, he analyses the connection between natural law and

positive law (Tomulescu 1968. 230). In this work Cicero appears as legislator – as his model Plato (Cic. *leg.* 1, 15) does in *Nomoi* – a thing which must have seemed extremely new, almost provoking indignation, because doing this he intended to reform and replace the venerated *leges XII tabularum* (Cic. *leg.* 2, 23. 59), thus occupying the place of the nation who made these laws (Knoche 1968. 41). The first book contains considerations of legal theory, which was practically unknown in Rome in the 1st century BC. It aims at harmonizing *ius civile* with *ius naturale* because this was the only way Roman law could lay claim to universality. From the demand of *ius naturale* neither the *comitia*, nor the *senatus* can give exemption, this being eternal and unchanging. The fundamental task of the legislator and the judge is to proceed in accordance with it (Cic. *rep.* 3, 22), and the task of the law is to separate the lawful from the unlawful (Cic. *leg.* 2, 13). *Ius* and *ratio* are inseparably connected; moreover, they are each other's synonyms in a certain respect; so law must originate directly from philosophy and not from the pretorial edict or the *leges XII tabularum*, therefore, it can never lose its validity (Cic. *leg.* 1, 18; 2, 14). Law must be based on Justice, which might seem trivial in itself, but Cicero himself had felt the lack of this condition; so law depends solely on Justice, and social cohabitation depends only on the law – this conclusion must have seemed considerably bold in ancient Rome (Knoche 1968. 46 ff.). Appearing as a great system-originator in philosophy, Cicero wanted to encompass law in a system as well in his work – unfortunately lost since then – entitled *De iure civili in artem redigendo*, which does not seem to have exerted much influence on legal scholars in Rome (Lübtow 1944. 232).

Returning to *summum ius summa iniuria*: it was quite common that certain maxims formulated in everyday life and transmitted through literary sources were appropriated by Law as rules of universal validity. For example, here are a couple of *proverbia* that became *regulae iuris* (Carcattera 1971. 663). Aquila Romanus quotes the sentence “*cui quod libet, hoc licet*” (Aquila Rom. fig. 27), which can be found in the fragment of Ulpianus as “*non omne quod licet honestum est*” (Ulp. D. 50, 17, 144). Publius Syrus's thought, “*lucrum absque damno alieno fieri non potest*” (Publ. Syr. Sent. L, 6) resonates with Pomponius's rule: “*iure naturae aequum est neminem cum alterius detrimento fieri locupletiores*” (Pomp. D. 50, 17, 206). Seneca maior's sentence “*tacite loquitur; silentium videtur confessio*” (Sen. contr. 10, 2, 6) corresponds with Paulus's “*qui tacet, non utique fatetur: sed tamen verum est eum non negare*” (Paul. D. 50, 17, 142).

II.

Celsus's famous statement “*ius est ars boni et aequi*” – transmitted by Ulpianus – occurs as the opening idea of Iustinian *Digesta*. It claims that whoever intends to deal with law should first know where its name comes from. *Ius* got its name from *iustitia*, and – as Celsus astutely defines – law is the art of the good and the just/equitable. Following

this train of thought, Ulpianus states that lawyers should exercise their profession as a priestly vocation, because they must respect justice, propagate the knowledge of the good and the equitable, separating the legal from the illegal, the permissible from the forbidden.

Ulp. D. 1, 1, 1. *Iuri operam daturum prius nosse oportet, unde nomen iuris descendat. Est autem a iustitia appellatum: nam, ut eleganter Celsus definit, ius est ars boni et aequi. Cuius merito quis nos sacerdotes appellet: iustitiam namque colimus, et boni et aequi notitiam profitemur, aequum ab iniquo separantes, licitum ab illicito discernentes, bonos non solum metu poenarum, verum etiam praemiorum quoque exhortatione efficere cupientes, veram nisi fallor philosophiam, non simulatam affectantes.*

Later Ulpianus defines justice as an unceasing and eternal effort to give everybody their due right. Therefore, the commandments of the law are the following: to live decently, not to hurt anyone, to give everybody their due.

Ulp. D. 1, 1, 10. *Iustitia est constans et perpetua voluntas suum cuique tribuendi. Iuris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere.*

Since this definition is well known, there is no need for further explanation. In concordance with this, Ulpianus *expressis verbis* calls the magistrates' attention to the fact that unlawful procedures are forbidden. As far as judges are concerned – for whom it is also forbidden to proceed with partiality, prejudice, or in general incorrectly – they must keep the principle of *aequitas* in mind, especially in the cases where their personal consideration is of greater importance (Ulp. D. 47, 10, 32; 5, 1, 15, 1; Gai. D. 50, 13, 6; C. 3, 1, 13, 6; Tryph. D. 16, 3, 31 pr.). The mere memorization of the legal material is not equivalent with the genuine knowledge of law, as Celsus emphasises; and he strongly blames the lawyers who do not want to consider the entire law when solving a case, and who only present an arbitrarily selected portion even while justifying their *responsa* (Cels. D. 1, 3, 17. 24). The principle “*suum cuique tribuere*” remarkably harmonises with that locus of Cicero's *Topica* which defines *ius civile* as *aequitas* established for the people living in the same state with the scope of preserving their goods (Cic. *top.* 2, 9). Regarding the *Corpus Ciceronianum*, in the speech delivered in defence of L. Licinius Murena, this contradiction is thoroughly highlighted: in connection with certain legal institutions of marital law (*coemptio tutelae evitandae causa*, *coemptio sacrorum interimendorum causa*), which became empty and troublesome by the time of Cicero, the rhetor formulates: “*In omni denique iure civili aequitatem relinquunt, verba ipsa tenuerunt*” (Cic. *Mur.* 27). So, criticism is not directed against the keystone of the state, the laws (Cic. *leg.* 1, 14), but only against legal practitioners and their methods of interpretation.

The loci from the *Corpus Ciceronianum* referring to *aequitas* – with special regard to Cicero's theoretical works – can be classified in the following categories (Ciulei 1968. 640). In certain cases *aequitas* appears as the opposite of *ius* (Cic. *inv.* 32; *part.* 28; *Caec.* 36; *De orat.* 1, 56), in other cases one can find the trinity of *aequitas-ius-lex*, which divides the concept of law in a very special way (Cic. *top.* 5. 7). On the one hand, it divides justice into a *ius* based on *lex*, on the other hand, into a *ius* based on *aequitas* (Ciulei 1968. 642). Elsewhere – e.g., in *Pro Caecina* – *aequitas* is none other than the means of *interpretatio iuris* (Cic. *part.* 39; *rep.* 5, 2). A third different group is constituted by the loci where *aequitas* is referred to as a synonym of *ius* (Cic. *top.* 2. 24; *part.* 37). In his philosophical works *aequitas* appears in many thoughts as a projection, a form of *iustitia*, being the foundation of human relationships (Cic. *rep.* 1, 2; *Lael.* 22; *off.* 1, 19; *top.* 23). It brings us closer to our present topic of discussion if we try to trace the occurrences of *aequitas* in Cicero's speeches and his correspondence. In certain characterisations it appears as a personal characteristic feature (Cic. *ad Q. fr.* 1, 1, 45). This is the way he characterises Scipio (Cic. *Verr.* 5, 81) and Servius Sulpicius (Cic. *fam.* 4, 4, 3; *Phil.* 9, 10), and as he expects every Roman in office to possess this quality, he finds it particularly desirable in the case of judges (Cic. *leg. agr.* 2, 102; *Tull.* 8; *Flacc.* 49; *Cluent.* 5. 159). At the same time *iustitia* appears only as an exception as somebody's personal feature in Ciceronian characterisations (Cic. *fam.* 13, 28A, 2; 13, 66, 2). *Aequitas*, often mentioned together with *ius* not only as its complementary, is considered an ethical norm that plays an important role in the administration of law (Cic. *De orat.* 1, 86. 173), so it does not appear as the kind of equity that would give the judge the possibility to reach a decision in contradiction with written law because this way the verdict could easily become unjust, coming to a result contradictory with its aim (Cic. *Phil.* 5, 20; *imp. Cn. Pomp.* 58. See also Bürge 1974. 52).

Let us take a quick view – following Pringsheim's statements – to the changes that the concept of *aequitas* underwent after Cicero, as the complementary and opposite of *ius*, and see how the concepts of *ius aequum* and *ius strictum* are formed (Pringsheim 1921. 643). The *ius aequum* adjectival construction does not imply an equity based legal interpretation used in an abstract sense, but, in accordance with the original meaning of the adjective *aequus*, it denotes *equal right identical* for everybody both in literary and legal sources (Cic. *Verr.* 3, 118; Liv. 38, 50, 9; Tac. *ann.* 3, 27; Sen. *epist.* 86, 2; Tryph. D. 29, 1, 18, 1; Paul. D. 46, 1, 55; C. 3, 36, 11; 6, 58, 15, 1). Basically, it is not *ius* that is divided into *ius aequum* and *ius strictum*, but it is *aequitas* that appears as a principle which regulates, at times aids, corrects *ius*, at times harmonises with it, at times constitutes a contradictory principle, which, however, was never defined at the level of an abstract definition, probably due to a lack of effort (Paul. D. 50, 17, 90; 44, 4, 1, 1; Ulp. D. 2, 14, 52, 3. See also Pringsheim 1921. 644). During the period of the dominate *aequitas* kept gaining terrain from *ius*. A turning point in this was Constantinus's legislation who, on the one hand, declared that it is the emperor alone who is entitled

to interpret the difference between *ius* and *aequitas*, on the other hand, he made *aequitas* the synonym of *iustitia* and *ius iustitiaque*, ranking these above *ius strictum* (C. 1, 14, 1; C. Th. 1, 5, 3; 3, 1, 8). This idea was later taken over by Iustinian legal science, so the sources reflect the clear dominance of *aequitas*, with which the concepts of *humanitas*, *iustitia*, *benignitas*, *utilitas* and *bona fides* are associated (Ulp. D. 15, 1, 32 pr.; Pap. D. 26, 7, 36; Paul. D. 39, 3, 25; Pap. D. 46, 6, 12), leaving to *ius* the meaning of strict, limited and – *sit venia verbo* – narrow-minded law, clinging to a rigid, word for word interpretation (Pringsheim 1921. 648). The expression *ius strictum* cannot be found in the literary sources of the classical period; *iudicium strictum* is used as a technical term of rhetorical works (Sen. *contr.* 1. *praef.* 23; 4. *praef.* 3; Quint. 12, 10, 52). In Statius's *Silvae strictae leges* are opposed to *aequum* (Stat. *Silv.* 3, 5, 87 f.); *ius strictum* becomes an unquestionable technical term only in Iustinian's legal work (C. 4, 31, 14, 1; 5, 13, 1, 2; Pap. D. 5, 3, 50, 1; Paul. 13, 5, 30; Tryph. D. 23, 2, 67, 1; Pap. D. 29, 2, 86 pr.; Iav. D. 40, 7, 28 pr.; C. 3, 42, 8, 1; Gai. *inst.* 3, 18).

Returning to Cicero, the expressions “*summo iure agere*” and “*summo iure contendere*” indicate the use of the whole range of possibilities offered by law (Cic. *Verr.* 6, 4), which itself does not mean legal practice contradictory with *aequitas*; whether it is proper or improper becomes clear only in the concrete situation. At times Cicero has the possibility to be lenient, but the hostile behaviour of the opponent can make him legitimately act against it with the strictest means of the law, keeping in mind not only his personal interests but the interests of the state as well (Cic. *Att.* 16, 15, 1). (Concerning the point that *summum ius* depends on the specific situation, both Stroux (Stroux 1926. 57) and Bürge (Bürge 1974. 54) quote as a literary example, the scene from Shakespeare's *Merchant of Venice* in which, Portia as judge uses, instead of the rational, the literal interpretation of the law against Shylock, who is reluctant to accept the doge's more equitable proposal. She turns the situation inside out and finally makes him withdraw. (Shakespeare, *The Merchant of Venice* 4, 1, 300 ff.) *Aequitas* as the principle of *interpretatio* is not formulated *expressis verbis* in connection with the *causa Curiana*, treated by Cicero. However, since basically it expounds the contradiction between *interpretatio restrictiva* and *interpretatio extensiva*, in its content *aequitas* seems to belong to its essence. The basic question concerning the facts of the case is whether *substitutio pupillaris* (Gai. *inst.* 2, 179) can also be regarded as *substitutio vulgaris* (Gai. *inst.* 2, 174 ff.), and, in relation to this point, the question whether the alternate heir so ordered is also the heir of the bequeather should also be answered. Q. Mucius Scaevola argued for the restrictive, L. Licinius Crassus for the extending interpretation. Consequently, both of them referred to *auctores* substantiating their opinion. Moreover, Crassus, employing the weapon of humor, made fun of the obsolete formulation of the legal text, thus ridiculing its restrictive interpretation (Cic. *De orat.* 1, 180). The decision made in the *causa Curiana* did not prove to be long-lasting in legal science, as we know about several later *sententiae* contradictory with this (Treb. D. 26, 2, 33; Mod. D. 28, 6, 4 pr.).

As we have seen, neither Cicero, nor other Roman legal scientists, basically reluctant to formulate abstract definitions (Iav. D. 50, 17, 202), determined the contradictory concept of *aequitas*. Therefore, the decisiveness of the attempt to solve the *scriptum-voluntas* contradiction, emphasised by Stroux in connection with the *causa Curiana* (Stroux 1926. 57), loses its validity because *aequitas* worked as a rhetorical ornament rather than a basic principle of judgement (Bürge 1974. 54). Crassus, who acted as *patrocinium aequitatis* in the *causa Curiana*, proved to be the advocate of *ius strictum* in another case. M. Marius Gratidianus sold a plot to C. Sergius Orta, from whom he had bought the same plot a few years earlier. The plot was loaded with *servitutes*, about which Sergius Orta, as the former owner must have had knowledge. However, when signing of the contract, Gratidianus did not mention the *servitutes*, though this would have been his duty (Cic. *off.* 3, 67). In the case of *actio empti* the seller is responsible for the *dolus*, the judge had to decide whether Gratidianus proceeded *dolose* or not. The *advocati* of the parts had a great opportunity to influence the *iudex*, using rhetoric devices based on legal science (Bürge 1974. 61). As Cicero remarks too, in this case Antonius based his reasoning on *aequitas*; opposed to him, Crassus clung to the more restrictive interpretation. The appearance of these poles in the same case unequivocally harmonises with the training practice of rhetoricians, where the *magister* divided the case to be discussed among the students in a way that half of them had to defend their point of view based on *aequitas*, the other half based on *ius strictum*, then they changed roles (Cic. *De orat.* 1, 244; Quint. 7, 6, 1).

In as much as we do not consider *aequitas* to be an abstract idea in these cases, but as a freely applicable rhetoric device, Cicero's rather liberal handling of the concept of *aequitas* harmonises with other statements that deal with the essence of eloquence (Bürge 1974. 63). Within the boundaries designated by legal science – which in a given case can mean the facts of the case, determined by the *iuris consultus* – the *orator* can freely move while concentrating his attention on the task of defence; all the more so, as he is not striving to prove the truth, but to convince the audience of the *veri simile* (Cic. *part.* 90; *off.* 2, 51). To illustrate this, Cicero tells the following example. A simple man from the country wanted to ask *iuris consultus* P. Crassus for advice, but the jurist sent him away as he thought that he could do nothing for him. However, Servius Galba, the rhetor, presented him so many examples, parallels, arguments interlarded with humor, based on *aequitas*, and not on *ius*, in support of the *rusticus*, that the jurist – still not sharing the rhetor's point of view – had to admit that his arguments were so probable that they almost sounded like truth (Cic. *off.* 2, 40). The freedom of movement of the rhetor is considerably greater than that of the jurist; as Gellius puts it, he is not closely tied to the truth content of the facts (Gell. 1, 6, 4). The rhetor had to be able to argue for or against the same case, as this technique constituted a substantial part of rhetoric studies (Cic. *De orat.* 2, 30). The difference between legal and rhetorical methods was long preserved in Rome, as Quintilian admits in his *Institutio oratoria*, in the chap-

ter in which he emphasises the importance of the rhetor's acquiring legal knowledge (Quint. 12, 3, 2 ff.). In the course of time, this difference became even wider, when, at the beginning of the Principate, political eloquence faltered, whereas eloquence lost its connections with jurisprudence by dealing with fictitious examples and solving more and more artificial rhetorical situations (Norden 1909. 126).

III.

Investigating the use and explanation of the *proverbium* "*summum ius summa iniuria*" in the works of Erasmus of Rotterdam seems to be substantiated not so much by the historical and dogmatic depth of the Erasmian interpretation – as this idea was made the object of much more intensive and exhaustive legal theory scrutiny by numerous humanists; e.g., Claudius Cantiuncula, Bonifacius Amerbach or Symon Grynaeus (if only due to Erasmus's slighter interest in historical studies) – but because of the immense influence produced by this excellent humanist over the centuries enhanced by his enormous authority, which is hard to underestimate (Appelt 1942. 20 ff.). Without any need to enter a more meticulous study of the genesis and influence of Erasmus's *Adagia*, it can be stated that from its first edition in the sixteenth century until the end of the eighteenth century, it was used as a widely appreciated scholarly text book, so it can be safely assumed that the "*summum ius summa iniuria*" *paroemia* gained considerable popularity among humanists, theologians, philosophers, as it is proved by it being frequently quoted in the most various contexts (Kisch 1955. 211).

As Erasmus had been making an effort to perfect the *Adagia* until the end of his life, several versions and explanations of this idea can be encountered in the Erasmian corpus. The first edition dating from 1500 refers to the proverb in two places (*Desyderii Herasmi Roterdami veterum maximeque insignium paroemiarum id est adagiorum collectanea*. Parrhisiis M. Iohanne Philippo Alamanno diligentissimo impressore Anno MvC). First in connection with the Terentian quotation "*summum ius summa malitia*"; later with regard to Plato and Cicero under the title of "*ad vivum summo iure*". The text appearing in Basel in 1540 but dating from 1536 synthetises all the known occurrences of this idea in Latin authors (*Des. Erasmi Rot. Operum Secundus Tomus Adagiorum Chiliades Quatuor cum Sesquicenturia Complectens, ex postrema ipsius auctoris recognitione accuratissima, quibus non est quod quicquam imposterum vereare accessurum*. Basileae ex Officina Frobeniana AN. M.D.XL.). Before enumerating and analysing the loci, trying to avoid the charge that he includes *sententiae* instead of *adagia*; i.e., proverbs, Erasmus gives a long explanation, and eventually finds his acquittal in quoting the Terentian *nominatim* (Kisch 1955. 207).

Not being a jurist, Erasmus dedicated less attention to the legal *paroemia*, except for a few explanations referring to Iustitia. Only four years before his death, in 1532

did Erasmus become interested in juridic regulations, and asked his friend, Bonifacius Amerbach in a letter to send him some material, suitable for the completion of the *Adagia*. Then, after receiving the two-page-long collection, he urged his friend to send him some more. It is highly probable that this was how the quotations from the Roman sources found their way into the 1540 edition of the *Adagia* (Kisch 1955. 208).

In Erasmus's interpretation *aequitas* often mentioned to highlight the *paroemia* "*summum ius summa iniuria*" probably did not actually mean equity as a legal interpretive principle, much rather justice that should be enforced even against the letter of the law (Büchner 1953. 13). For the explanations Erasmus usually refers to antique authors generally with the exact documentation of the sources but at times without summarizing their content. Most often the concept *aequitas* is simply used in the sense of *aequum et bonum*, as the opposite of *iniquitas*, placing the spirit of the law above its letter. One can find the type of the Ciceronian pair of concepts in the Aristotelian *Ethica Nicomachea*, which asserts that a man can be regarded equitable, if he is satisfied with less, even if the law is on his side, and does not stick to his own justice in the detriment of others, so equity is none other than a kind of justice (Aristot. *NE* 1138a). It is interesting though, that Erasmus does not make any reference to Aristotle in the early editions of the *Adagia*, and only the 1536 and 1540 editions allow us to assume that probably he had the specific locus from *Ethica Nicomachea* in mind. In these latter editions reference is made to Cicero's *Pro Murena*, instead of *Pro Caecina*; naturally, together with the classic formulation of the *proverbium*, which can be read in *De officiis*. We can suspect Aristotelian influence – on an ideological level rather than in the concrete wording – in the reference to the intention of the legislator opposed to the letter of the law (Aristot. *rhet.* 1374b). The image "*voces ...quasi legum cutis est*"; i.e., the words constitute the skin, the outward layer, is presumably Erasmus's own. It was probably Bonifacius Amerbach who called Erasmus's attention to the two legal fragments by Celsus and Paulus respectively from the *Digesta* by Justinian, but he used them merely as a kind of illustration without examining either their historical or dogmatic background (Kisch 1955. 210).

Reaching the end of our introspection, we can draw the following conclusions. From the maxims of legal logic as means of legal interpretation, in the present work we made the proverb "*summum ius summa iniuria*" the object of our scrutiny, enumerating its occurrences in antique literary sources, namely in Terence, Columella and then in Cicero. In this last formulation the meaning of the proverb became the most clearly crystallized. It signifies the excessive, malevolent legal practice in the course of *interpretatio iuris*, which plays off the letter of the law against its spirit. The Celsian *sententia* "*ius est ars boni et aequi*" formulates one of the most general, all-encompassing basic principles of *interpretatio* meant to offer protection against the too strictly interpreted and applied *summum ius*. Although jurists never clearly defined the concept of *aequitas*, it became a very important means of legal development as a thought

emerging from the interaction of jurisprudence and eloquence. The presentation of the relevant loci from Erasmus of Rotterdam's *Adagia* as a typical example of the persistence of the *paroemia* "*summum ius summa iniuria*", was aimed to show the way a proverb turning into *regula iuris* – apart from its direct legal application – became an integral part of today's legal common knowledge.

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Saint Augustine on the Foundation of Morals and the Reason for a Normative Ethics

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The problem of universal morality is irrelevant for descriptive ethics; it is to be rejected for metaethics; but it is a real subject for normative ethics. Ethics is a practical philosophical discipline, which needs a metaphysical theoretical foundation. Ethics can be bound to, and it can originate from the world (in a narrower sense, nature), from the man (his rational or irrational character), and finally from the absolute.

The Christian philosophy of ethics takes into account all these features, naturally with the dominance and priority of the absolute. The principles of Saint Augustine have a great significance in that regard. Similarly to the whole of patristic and, generally, to Christian ethics, this theory is a normative ethical theory, that is not an immanent but a transcendent system, which has its foundation in the natural law, and in a wider sense in the whole Christian view of the world. On the grounds of the natural law a rightly understood universal ethics can be deduced, while a false concept of universalization or totalization, mainly on the grounds of the notion of the person, is to be rejected.

This paper aims to analyze some of the works of Saint Augustine within such a conceptual framework. Here it is demonstrated that Saint Augustine's chief theses and principles in his relevant works are: the doctrine of the order of being as a starting point; the connections within the order of being, the eternal law and the natural law; the foundation of the principles of morals in the eternal law; the demand of a rational foundation of morals; the request of a positive, normative ethics; the unity of virtue and love.

Preliminary remarks

Considering the moral situation of our age, the inquiry after the possibility of a universally valid morality is a matter of primary importance. Nihilistic and relativistic tendencies have gained considerable strength in the twentieth century against the conception of a universal morality. Opposing the traditional normative ethics, a view has appeared and spread throughout the century; this view distinguishes between the so-called descriptive or comparative, the normative or prescriptive, and the analytical or metaethics¹. This view evolved together with

¹ Cf. Quante 2012. 19.

a modern way of thinking for some centuries, aiming to utterly diminish the significance of Christian thinking in the history of philosophy. However, in the so-called moral crisis of our age, the importance of a normative ethics has begun to be appreciated once again.

The following questions arise with good reason: supposing morality can be founded, then how is it possible, from where does it originate and what guarantees its validity? If we consider the notion of being, the whole as a unit of three factors forming the subject of philosophy, there we find the absolutum, the world and the man, and nothing else exists and can be imagined. The schools of philosophy differ from one another according to their concepts on the rank and order of these factors.

It is not by chance that ethics is a practical discipline of philosophy (although there are some who simply deny this); and in this way ethics is dependent on and is rightly founded on metaphysics and ontological axiology. Ethics without metaphysics remains an immanent circle of questions, which is compelled to substantiate itself by itself, and, as a consequence of this, it generally leads either to naturalism, hedonism, utilitarianism, emotivism and faulty eudaimonism, or it eliminates itself by a mere logical analysis. It can be asked whether moral sense on the one hand (which is undoubtedly and indisputably present in man's soul), and morality on the other hand (which emerges as the demand of human reason) are able to subsist in themselves or not, or are they to be reduced to their metaphysical basis to assure their truth and validity.

The question concerning universal ethics is obviously a question concerning normative ethics. The distrust of modern times against normative ethics is based on false metaphysics, but from another point of view it can be partly respected as it opposes a sweeping generalization, an exaggerated totalization and collectivization. This mistrust, however, is definitely without a cause, since, facing the natural order and social reality, it questions the verification of the content of morals.

Counterpoints

Normative ethics can be attacked from several directions. Beside relativism and naturalism, which are probably simpler cases, such intentions can be found in metaethics as well. It is a right and useful aspiration of metaethics in analytical philosophy to vigorously revise our conceptions. What will be, then, the uniform results of these investigations, according to this discipline?

George Edward Moore, in his *Principia Ethica* (1903), claimed:

The main object of Ethics, as a systematic science, is to give correct reasons for thinking that this or that is good; and unless this question be answered, such reasons cannot be given. [...] If I am asked 'What is good?' my answer is that good is good, and that is the end of the matter. Or if I am asked 'How is good to be defined?' my answer is that it cannot be defined, and that is all I have to say about it. (Moore 1922. 5-6.)

According to Ludwig Wittgenstein's *Tractatus Logico-Philosophicus* (1922): "There is no value in the world;" "If there is a value which is of value, it must lie outside all happening and being-so;" (6.41) "Hence also there can be no ethical propositions." (6.42)

The philosophy, the creed and the practical activity of Gertrude Elizabeth Margaret Anscombe, the British analytic philosopher who was a student of and later on one of the main experts on Wittgenstein, is found in a strange relationship. Her high appreciation is even reflected in the somewhat exaggerated expression of Roger Scruton, the conservative philosopher, who noticed that "the late Elizabeth Anscombe <was> perhaps the last great philosopher writing in English" (Scruton 2010). Anscombe was Catholic with a characteristic public activity, who raised her voice several times for the realization of Christian moral principles.

Anscombe's way of thinking represented the so-called analytical thomism. On the one hand, we appreciate the partial values of this tendency; at least it has the merit to refresh the analytic philosophy dominating the anglo-american spiritual life. On the other hand, we have to point out that the two principles included in the tendency are incompatible and irreconcilable with each other. Namely, thomism represents a metaphysical position, while analytic philosophy represents an anti-metaphysical one. Consequently, the concept of analytical thomism has an inner contradiction, and emerges as a result of the typically inconsistent way of thinking of our age.

In spite of her personal Christian spirituality, the infertility of this tendency can be recognized in the following statements of Anscombe's famous study *Modern moral philosophy* (1958), diametrically opposing the traditional principles of the Christian worldview, ontology and moral philosophy, but easily corresponding to the well-known theses of analytic philosophy:

It is not profitable for us at present to do moral philosophy. [...] The concepts of obligation and duty – moral obligation and moral duty, that is to say – and of what is morally right and wrong, and of the moral sense of 'ought', ought to be jettisoned [...]; because they are survivals or derivatives from survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it. [...]

This word 'ought' having become a word of mere mesmeric force, could not, in the character of having the force, be inferred from anything whatever. [...] I should judge that Hume and our present-day ethicists had done a considerable service by showing that no content could be found in the notion 'morally ought'. [...] It would be most reasonable to drop it. It has no reasonable sense outside a law conception of ethics. [...] I should recommend banishing ethics totally from our minds. (Anscombe 1958).

The significance of the Patristic moral philosophy

When Eric Osborn, the excellent expert on patristic thought, has published his famous volume in 1976 titled *Ethical Patterns in Early Christian Thought* (Osborne 1976), it was not by chance that in the introduction of the book he began his investigations by examining some modern conceptions. He dealt in great detail with several important authors of analytic moral philosophy. Osborn cited both of the main works of Richard Mervyn Hare, *The Language of Morals* (1952) and *Freedom and Reason* (1963), and cited Georg Henrik von Wright and some other authors as well. Osborn tried to create order among such various ideas; he recognized some promising signs and tendencies, but as a whole he pointed out that these theories of contemporary moral philosophy could not offer a secure basis for a system of moral values.

Osborn states: “A final feature of contemporary thought is a thoughtful rejection of Christian claims.” At the same time he observes: “The urbanity of much twentieth-century ethics has worn thin.” He claims that under such circumstances it is absolutely necessary to rediscover Christian faith as a fundamental domain of morality: “The need for exploration in this area is therefore urgent. It is not merely a matter of better understanding but a question of integrity.” In this way the significance of the Church Fathers of the patristic age can be realized. Characterizing their spirit, Osborn describes: “Dread of evil and enthusiasm for good were always with them.” When taking into account the features of patristic thinking, first of all he emphasizes the coherence of their system (Osborne 1978. 3-4.).

It is also instructive to insert here some sections of Alasdair MacIntyre’s self-criticism formulated in the introduction to the second edition (1998) of his *A Short History of Ethics*, a book published three decades earlier (1967). Here MacIntyre regrets neglecting Christian philosophy, and adds:

This error of mine reflected a widespread, even if far from universal, practice in the then English-speaking world – which still unfortunately persists in numerous colleges and universities – of ignoring the place both of the earlier Christian eras and of the high middle ages in the history of philosophy.

Some lines below that he appreciates the rank and value of Christian thinking as follows:

Those doctrines successfully define a life for Christians informed *both* by the hope of the Second Coming *and* by a commitment to this-worldly activity in and through which human beings rediscover the true nature of their natural ends and of those natural virtues required to achieve those ends. (MacIntyre 1998. viii-ix)

Saint Augustine

In accordance with this appreciation I aim to reconstruct the main ethical doctrines developed by Saint Augustine. His whole work has an ethical dimension, although his chief activities were focussed on faith, truth and being. At the same time, he also wrote special tractates and treatises on moral subjects. His most important works in that regard are the following: *De ordine*, *De beata vita*, *De libero arbitrio*, *De moribus ecclesiae catholicae et de moribus Manichaeorum*, *De continentia*, *De doctrina Christiana*, *De natura boni contra Manichaeos*, *De patientia*, *Enchiridion*. Reading these works one can realize that Augustine did not treat moral problems immanently and separately, but always in connection with his principles of faith and being.

The critics of a sophistic and sceptical view

In Saint Augustine's view, the purpose of thinking is to grasp and realize the *order of being*; and he is convinced about the vanity of thinking should it focus only on itself separated from the relations of being. His distinction between a metaphysical and a sophistic way of thinking has a definite validity in any era:

Therefore it is one thing to know the laws of inference, and another to know the truth of opinions. [...] The man who knows that there is a resurrection of the dead is assuredly better than the man who only knows that it follows that if there is no resurrection of the dead, then Christ is not risen.²

Advocating the idea of a philosophy focusing on truth and at the same time criticizing adversary philosophies, Saint Augustine describes the situation and his task with the following words of topical interest:

In this age of ours, when we see none who are philosophers – for I do not consider those who merely wear the cloak of a philosopher to be worthy of that venerable name – it seems to me that men (those, at least, whom the teaching of the Academicians has, through the subtlety of the terms in which it was expressed, deterred from attempting to understand its actual meaning) should be brought back to the hope of discovering the truth.³

The source and the foundation of morality

If morality is not simply included in thinking, and if the world is a created being, than morality points to the absolute (*absolutum*). Saint Augustine originates the rules of behaviour and the knowledge of good and bad from the *divine absolute being*. It is the same

² Augustinus, *De doctrina Christiana*, II. 34. 52.; Cf. his similar arguments in *De Trinitate*, IV. 16.21. – 17.23.

³ Augustinus, *Epistula* 1. 1.

as the later scholastic conception of eternal law, which is the source of natural moral law. Saint Augustine explains his notion giving an objective ground for morality as follows:

Where indeed are these rules written, wherein even the unrighteous recognizes what is righteous, wherein he discerns that he ought to have what he himself has not? Where, then, are they written, unless in the book of that Light which is called Truth? Whence every righteous law is copied and transferred (not by migrating to it, but by being as it were impressed upon it) to the heart of the man that works righteousness; as the impression from a ring passes into the wax, yet does not leave the ring.⁴

The order of being and the natural law

Saint Augustine's fundamental principle is to recognize and acknowledge the order of being.⁵ He begins his dialogue on order with the statement that it is in the nature of all to follow the order of being. However, it is a difficult task to understand how this order rules and holds together the universe and it can rarely be carried out successfully.⁶

In this early work he already develops a strong connection between the *order* of being and the principle of the *right life*. He concludes his book with an invitation to the right life in the following words:

Most of our efforts are to be directed to the better morals. Our God doesn't listen to us if we don't live righteously, but if we do so, he listens to us quite soon.⁷

In Augustine's works the conceptions of *order* of being and *law* are in similarly strong connection. He considers it to be an eternal law to preserve the natural order established by the Creator. According to his formulation, eternal law is the will of the divine reason which compels us to follow the natural law and forbids us to avoid it in any way.⁸

Similarly to the scholastic principle "agere sequitur esse", that is, "action follows being", Saint Augustine starts the investigation of human activity and morals from

⁴ Augustinus, De Trinitate, XIV. 15. 21.; "Ubinam sunt istae regulae scriptae, ubi quid sit iustum et iniustus agnoscit, ubi cernit habendum esse quod ipse non habet? Ubi ergo scriptae sunt, nisi in libro lucis illius quae veritas dicitur, unde omnis lex iusta describitur et in cor hominis qui operatur iustitiam non migrando sed tamquam imprimendo transfertur, sicut imago ex anulo et in ceram transit et anulum non relinquit?" Corpus Christianorum, Series Latina, 50. A. 451.; This text was cited also by the International Theological Commission, in the 31. note of its document entitled In Search of a Universal Ethics. A New Look at the Natural Law (2009).

⁵ Cf.: Rief 1962.

⁶ Cf. Augustinus: De ordine, I. 1.

⁷ Augustinus, De ordine, XX. 52.

⁸ Cf. Augustinus, Contra Faustum, 22. 27.

the concept and reality of being. (As Aquinas states: “The mode of activity of anybody follows the mode of his being itself.”⁹)

As Augustine claims, man strives after *happiness*, and happiness is the fulfillment of human nature. One can realize it if his actions correspond to reason and truth.¹⁰ Likewise, *virtue* is a mental disposition – as he points out in accordance with Cicero – which is in harmony with nature and reason.¹¹

He explains the principle as follows:

Passions of our soul are not alien to us. They feed co-existing with us on the knowledge of sciences, best morals and eternal life, as they were seeding herbs, fructifying trees and verdurous plants. And it is just this case which constitutes the happy and tranquil life of man, when all of our passions harmonizes with reason and truth.¹²

It means that Saint Augustine’s theory of passion admits and confirms the rule of passion in human life as a phenomenon having a right place in the order of being. In his work on *The City of God*, he turns against the stoic concept of equanimity (ἀπάθεια, impassibilitas); he declares that in reality it doesn’t belong to our present life, and formulates his teaching as follows:

In the light of these considerations, since we must lead a right sort of life to arrive at a happy life, a right sort of life has all these emotions in a right way, and a wrong sort of life in a wrong way.¹³

Virtue and love

Besides the foundation of morals, the core content of Saint Augustine’s moral philosophy is the forming of *virtue* and *love* into an organic unity. In the course of this he also unites the classical Greek philosophical doctrine on the four cardinal virtues and the Biblical tradition. In his work *De moribus ecclesiae catholicae*,¹⁴ in a hellenistic-platonic spirit he cites the following passage of the Book of Wisdom:

⁹ Thomas Aquinas, *Summa Theologica*, p. I. q. 89. a. 1. “Modus operandi uniusquiusque rei sequitur modum essendi ipsius.”

¹⁰ Augustinus, *De Genesi contra Manichaeos*, I. 20. 31.

¹¹ Augustinus, *De diversis quaestionibus LXXXIII*, 31. 1.

¹² Augustinus, *De Genesi contra Manichaeos*, I. 20. 31. “Non enim a nobis alieni sunt motus animi nostri. Pascuntur etiam nobiscum cognitione rationum et morum optimorum et vitae aeternae, tanquam herbis seminalibus et lignis fructiferis et herbis viridibus. Et haec est hominis vita beata atque tranquilla, cum omnes motus eius rationi veritatisque consentiunt.” Migne, J.-P. (ed.), *Patrologia Latina*, vol. 34. col. 188.

¹³ Augustinus, *De civitate Dei*, XIV. 9. “Quae cum ita sint, quoniam recta vita ducenda est qua perveniendum sit ad beatam, omnes affectus istos vita recta rectos habet, perversa perversos.”

¹⁴ Augustinus, *De moribus ecclesiae catholicae*, 16. 27.

And if a man love righteousness, her labours are virtues; for she teacheth temperance and prudence, justice and fortitude; which are such things, as men can have nothing more profitable in their life.¹⁵

The question arising at this point is the following: How and in what manner are virtues and love compatible with each other? According to Saint Augustine's final formulation, virtue is the order of love (*virtus est ordo amoris*). The specific sentence runs as follows: "Hence in my opinion, a short and true definition of virtue is 'a due ordering of love'."¹⁶

This is a recurrent principle in Saint Augustine's whole life-work and figures in each of his relevant writings. In his early work *On the Morals of the Catholic Church*, love is defined and treated as the summary of virtues,¹⁷ the basic hermeneutical work of the middle-aged Augustine, *On Christian Doctrine*, explains his important notion of the right order of love,¹⁸ and his late and great work *On the City of God* contains the formula mentioned above.

The rational foundation of morals

In his work *On the Morals of the Catholic Church* written in 388, Saint Augustine explained and summarized his views on moral philosophy developed in opposition to the manichaean conception. This work has many merits, especially regarding its intention to establish and assure moral philosophy by a *rational* method. As he declares at the beginning of the work: "How then, according to reason, ought man to live?"¹⁹ The following section presents the main principles of this work.

The work manifests the Christian transformation of the antique concept of eudaimonism through a series of concepts, namely, that of happiness, virtue, love, and God. The desire of happiness leads us to practice virtue; the summary of virtues is love; the practice of virtue aims towards the final good (*summum bonum*) which is identical with God.

He states: "No one will question that virtue gives perfection to the soul."²⁰ Then he adds:

¹⁵ Wisdom 8,7.; καὶ εἰ δικαιοσύνην ἀγαπᾷ τις οἱ πόνοι ταύτης εἰσὶν ἀρεταὶ σωφροσύνην γὰρ καὶ φρόνησιν ἐκδιδάσκει δικαιοσύνην καὶ ἀνδρείαν ὧν χρησιμώτερον οὐδὲν ἔστιν ἐν βίῳ ἀνθρώποις. Σοφία Σολομώντος, 8. 7. Et si iustitiam quis diligit, labores huius magnas habent virtutes: sobrietatem enim et prudentiam docet, et iustitiam, et virtutem, quibus utilius nihil est in vita hominibus. Liber Sapientiae 8,7.

¹⁶ Augustinus, De civitate Dei, XV. 22. "Unde mihi videtur quod definitio brevis et vera virtutis ordo est amoris."

¹⁷ Augustinus, De moribus, op. cit. 33. 73.; 15. 25.; 13. 22.; 25. 46.

¹⁸ Augustinus, De doctrina Christiana. On the order of love cf.: Origenes: Commentarius in Canticum Canticorum, III. 4.

¹⁹ Augustinus, De moribus, op. cit. 3.4.

²⁰ Op. cit. 6. 9.

Undoubtedly in the pursuit of virtue the soul follows after something.²¹ [...] If, then, we ask what it is *to live well*, – that is, to strive after *happiness* by living well, – it must assuredly be *to love virtue*, to love wisdom, to love truth, and to love with all the heart, with all the soul, and with all the mind.²²

Saint Augustine considers the four virtues as four different manifestations of love:

For the fourfold division of *virtue* I regard as taken *from four forms of love*. For these four virtues (would that all felt their influence in their minds as they have their names in their mouths!), I should have no hesitation in defining them: that *temperance* is love giving itself entirely to that which is loved; *fortitude* is love readily bearing all things for the sake of the loved object; *justice* is love serving only the loved object, and therefore ruling rightly; *prudence* is love distinguishing with sagacity between what hinders it and what helps it.²³

After this, Saint Augustine also refers the four virtues to God. Man wants to be happy, and for this reason he is looking for the final good. “Such, then, being the *chief good*, it must be something which cannot be lost against the will.”²⁴ “As to *virtue* leading us to a *happy life*, I hold virtue to be nothing else than *perfect love of God*.”²⁵

As he observes, the right way of living can be deduced by and for anybody from these principles.²⁶ “I will briefly set forth the manner of life according to these virtues, one by one.” He analyses the four virtues in detail and deduces principles of life from them.²⁷

In this way the practice of virtues is accomplished in the love of God.

I need say no more about right conduct. For if *God is man's chief good*, which you cannot deny, it clearly follows, since to seek the chief good is to live well, that to live well is nothing else but to love God with all the heart, with all the soul, with all the mind; and, as arising from this, that this love must be preserved entire and incorrupt, which is the part of *temperance*; that it give way before no troubles, which is the part of *fortitude*; that it serve no other, which is the part of *justice*; that it be watchful in its inspection of things lest craft or fraud steal in, which is the part of *pru-*

²¹ Op. cit. 6. 9.

²² Op. cit. 13. 22.

²³ Op. cit. 15. 25.

²⁴ Op. cit. 3. 5.

²⁵ Op. cit. 15. 25.

²⁶ Op. cit. 16. 26.

²⁷ Op. cit. 19. 35.

dence. This is the one perfection of man, by which alone he can succeed in attaining to the purity of truth.²⁸

The essence and the reason of the Augustinian moral philosophy

Saint Augustine acknowledges that there are two kinds of attractions operating in the human being, namely, self-love and unselfish love and states that an endless fight of these two kinds of love runs through the history of our race. In other words, it is obvious and unambiguous that man is equally able to be good and evil. Under such circumstances a theoretical investigation favours the pursuit of a normative and positive foundation of morality, rather than a turn to a logical dilemma or a metaphysical and anthropological dualism. Although Saint Augustine takes into account and keeps track of both the communities and “cities” of human nature and attitude, he only denominates the concept of the “city of God” (*civitas Dei*) as the leading principle in the title of his grand work.²⁹ He endeavours to show norm and virtue to be *more real* phenomena than corruption and lack of order. Independent from whether someone has faith or not, I think the above insight into the human spirit is the main reason behind thinking and culture. (On Saint Monica’s old feast, 4. May, 2014.)

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²⁸ Op. cit. 25. 46.

²⁹ Augustinus: De civitate Dei, XVIII. 1.

General Consent and Universal Morality

An Early Modern Platonist View

ÁDÁM SMRCZ

Considering his argument with Lord Herbert of Cherbury, John Locke has long been regarded as the champion of the so called innatism debate (not considering here Descartes, only Locke's British counterparts). However, this historiographical stance fails to explain a number of historical facts, including how could a whole philosophical tradition, commonly called the Cambridge Platonism, have developed on such seemingly unsteady grounds. The aim of this paper is to revise Locke's arguments in the light of Cherbury's own theses. Suspectedly, only few of Lord Herbert's contemporaries had firsthand knowledge concerning his text, but the same can be said about historians of philosophy. Roughly all of our knowledge is hence based on Locke's report, which – as I intend to show – makes the picture rather distorted, while a different view instead may provide us with solutions concerning historiographical hardships.

Introduction

Locke famously denied the existence of innate principles, either theoretical or moral. The first book of the *Essay* bears testimony partly to his debate with the Cambridge Platonist Lord Herbert of Cherbury, in which the criteria of knowledge are in question. Lord Herbert's standpoint is that general consent to a principle provides sufficient evidence for its innateness, while Locke argues that such general consent is both against our intuition and is theoretically impossible.

One serious problem is that even among scholars there is no general consent about whether it was Lord Herbert with whom Locke was arguing at all (Yolton 1956; Forrai 2005. 55-75). While many of the arguments debated by Locke do originate from Lord Herbert, some still suspect Descartes or some early Cartesians in the background instead of Cherbury, who many refuses to consider to be a first-rank thinker (Forrai 2005. 61). The key to this first question can be reformulated as follows: in fact, what kind of innatism is Locke arguing with?

(1) The first aim of this paper is partly to argue on behalf of those who claim that Cherbury was Locke's counterpart, even if merely one of his counterparts. (2) The second goal of this paper concerns the historiography of philosophy: scholars who accept

the previous thesis tend to label Locke as the champion of the innatism debate without considerable hesitation. However, this predominant historiographical tendency fails to explain how a whole philosophical tradition could have been established on the basis of Cherbury's seemingly refuted principles, or how a whole school of thinkers – generally known as the Cambridge Platonists – could have built their system on such unsteady grounds. All this renders the solidity and validity of Locke's seemingly firm arguments questionable: the mere existence of the Cambridge school of philosophers suggests that Locke's counterarguments were interpreted in a significantly different way by contemporaries than by the historiographical tradition. Since empirical history of philosophy and historiography seem to diverge in this case (as the latter cannot give a full explanation of the former), a revision of Locke's arguments seems to be justified.

Regarding the first question, this paper intends to suggest that both Cherbury and Descartes were originally among Locke's adversaries; but, concerning the second one, it will be shown that he later capitulated to Lord Herbert. Supporting this view, I invoke some texts by other members of the Cambridge school besides Lord Herbert's own writings.

Whether Cherbury or the Cartesians?

Broadly speaking, an innatist had two possible strategies in order to defend his position: (1) proving that the idea or proposition he is trying to defend is backed by general consent, so it must necessarily be true. This is a method already employed by ancient Stoicism¹, but considered to be less conclusive by the majority of early modern thinkers. (2) Proving that these could not have originated from anywhere else than from being imprinted in our souls (e.g. Descartes's notion of infinity). Reformulating this distinction, we could say that innateness was a *sufficient condition* for the first group of thinkers, while only a *necessary one* for the second.

Cherbury's common notions

Lord Herbert's epistemology consists of three main concepts: *veritas rei*, *veritas apparentiae* and *veritas intellectus*. *Veritas rei* is used for denoting the thing as it is, while the remaining two denote the thing observed in relation to the observer; *veritas perceptionis* is the kind of truth transmitted to us by our senses, while *veritas intellectus* is

¹ The Cambridge Platonists' indebtedness to Stoic philosophy is clearly visible both on the level of content and terminology (e.g.: "We seem clearly to be led by the instincts of nature to think that there is something ἐφ' ἡμῖν, in nostra potestate, in our power [...]". Cudworth 1996. 155.) Their interest in Stoic philosophy is most likely to have originated from Hugo Grotius (see below), who himself is likely to have been influenced by Justus Lipsius.

the truth of the thing derived from our intellect (Cherbury 1645/1966. 9-10.; Popkin 2003. 129-136). The problem with sense perception is well-known: our senses deceive us so often that relying simply on them can never fully eliminate our doubts. The only thing that remains is intellectual perception, since the intellect seems to be the only instrument capable of obtaining the truth of the thing itself.

But how do we know that our intellectual perception conforms to the object? This is the point where general consent enters the argument, being the only means able to provide us information about the verity or falsity of our ideas. The only thing needed in order to obtain this is the proper use of our intellect. A kind of intuitive faculty, the so-called *natural instinct* (*instinctus naturalis*)² is meant to reveal the hidden cognitive content later to be consented to by everyone. In other words, whatever revealed by this faculty will necessarily entail general consent.

We approve of general consent as the only *necessary norm of truth* (this cannot come into being without Divine providence). We cheerfully receive this providence, since the most eminently good and greatest cause of God is revealed in it, who has always, in *every century* given his common notions to the people as a mediator of his Divine providence (Cherbury 1645/1966. 40).

Lord Herbert's formulation can be slightly misleading, as he seems to speak about general consent as only a *necessary condition* of having common notions of something. In fact, he speaks about the *only* necessary condition, which renders this only necessary condition *sufficient* at the same time. Hence Lord Herbert can obviously be ranked as belonging to the first group of innatists (according to our previous distinction)³.

Reading only this passage, one could easily be led to another kind of misinterpretation as well, since the lines quoted above may even intimate a claim for moral homogeneity. This could also be a reason why Locke attributed such a claim to Cherbury. However, Lord Herbert himself never advocated the idea that the world would be morally homogenous. The only thing he claimed was that the deduction of complex principles or ideas into more simple ones would necessarily result in such simple principles or ideas that had to be generally consented to by everyone. Diversity, either theoretical or moral, is only given empirically (at a very superficial level), since a deeper view would immediately reveal the sameness between the principles observed.

² It later became a key notion of the Cambridge Platonists, generally called the light of nature or the candle of the Lord by later authors. See: Roberts 1968. 66-91.

³ It's not the point of this paper to investigate the internal consistency of Lord Herbert's theses, the only thing that matters here is their validity related to Locke's counterarguments. However, it is worth noting here what Richard Popkin has rightly observed regarding the logical fallacy of *petitio principii* Lord Herbert commits "We ignore meanwhile all those who are fools, enthusiasts and imbeciles, or all those who are either fanatics of some church, school or opinion" (Cherbury 1645/1966. 40; for further reading see: Popkin 2003. 131-132).

Common notions in practice

Regarding the innateness of theoretical principles, Cherbury's method can easily be observed via his discourse on the plurality of gods. Lord Herbert says that external manifestations of religions may be different, but he also claims that the enumeration of attributes, common to all divine beings in all cultures, creates consensus among competing traditions.

The author enumerates altogether eleven such attributes, which everyone must consent to, regardless of tradition, confessional affiliation etc.⁴ He quotes *happiness* (*esse beatum*), *goodness* (*esse bonum*), *justice* (*esse justum*) among others as necessary divine attributes. If his theory works, these all must be consented to by anyone independent of his culture or the circumstances of his upbringing. This supposed homogeneity behind the seemingly varied phenomena is the point where the influence of Hugo Grotius is eminently palpable, as he famously recommended a very similar method while examining how man's natural rights should be determined⁵.

Lord Herbert's theory, however, does not confine itself to mere theoretical principles; it deals with moral ones as well.

Concerning that in the soul of men there always has been an abhorrence from sin. So much, that no guilt can ever be hidden from them: they need to be amended through absolution. Concerning rites or sacred things, which were invented by priests in order to absolve [sinners], there is no consensus. [...] (Cherbury 1645/1966. 217.).

Here he continues with quoting different prohibitions (e.g.: the consumption of meat), which were intended to give absolution from sin.

⁴ „Concerning that some kind of supreme divine power exists: concerning gods there is no consensus (conventum), but concerning God, there is indeed: in the class of gods there is some kind of supreme one, but no religion has ever admitted to this [doctrine], and will never do so. Hence was the attribute of God Optimus Maximus at the Romans [...] Jehovah at the Hebrews [...]. Hence, the divine power (no matter what name it was given) has always been called God wherever it was talked about". Cherbury goes on with enumerating the attributes common to all divine beings in all cultures: "We comprehend him, (1) as happy. (2) as who is the purpose of things. (3) as the cause of things as far as they are good. [...] 4. as the mediator [medium] of things as only through middle parts does a road lead from the beginning to the end. (5) as being eternal, since the origin of all things must be eternal according to what our common notion (communis notitia) teaches us. (6) as good, since our common notion teaches us, that the cause of all the good must be good in the most eminent way. (7) as just [justum], as he tempers all things according to the biggest equality. (8) As wise, since the signs of his wiseness are revealed not only in the above mentioned attributes, but also in his ordinary works". Later, he adds three more attributes which may not be so easily accepted as universal, but still must be attributed to God: (9) Infinity, (10) Omnipotence, (11) Liberty.

⁵ Biographical details further reinforce this correlation between Cherbury and Grotius, as the Dutchman was the one who encouraged Lord Herbert to publish *De Veritate*. See: Popkin 2003.128-129.

Not focusing here on other rites, some of which seem to be absolutely stupid, [we can declare] that our sins are wiped away through real repentance, and through that we can make a new alliance with God. This is what the *general consent of religions*, the condition of *divine goodness*, and our *conscience* itself teach us (Cherbury 1645/1966. 217.).

Hence, in Cherbury's view, three crucial factors help us bridge the confusion of moral diversity concerning religions: consent, divine goodness and our conscience. The mechanism has to begin with the inquisition of our conscience⁶. After the natural instinct has revealed any content found there, it must be investigated whether the content revealed conforms with divine goodness. But even if it does, it still does not satisfy the criterion of truth, as it still has to be subjected to the tribunal of general consent⁷. Providing the content was admitted generally it could be declared to be true. The role played by general consent can hence be interpreted as an *a posteriori* verification of whatever is revealed by the *natural instinct* or the *light of nature*.

Why moral homogeneity does matter

If the principle of innateness is correct, then it concerns theoretical and moral cases alike. However, it is more than likely that for Cherbury moral principles were of priority; scholars have only recently pointed out the Cambridge school's strong involvement in the irenicist movement (Jue 2006 65-85.) which might reasonably explain their enthusiasm regarding the kind of innatism outlined above.

Irenicism, a movement aimed at the reunification of churches separated by dogmatic dissent, seemed for many to be a viable solution to the problem of spiritual and political stability. While some thinkers like David Pareus confined the plan of reunification only to Protestant Churches, others, like Grotius, were eager to include Catholics as well in the grand project (Jue 2006. 65-85.).

Though it is more than likely that Grotius' influence on Cherbury was more considerable, the main point here is not to determine which kind of irenicism Lord Herbert followed. It is enough for us to highlight the possible reason for his joining this epistemological battleground.

⁶ „The same sense of nature's instincts appear yet more plainly, from men's blaming, accusing, and condemning themselves for their own actions” [...]. “In which latter case men have an inward sense of guilt (besides shame), remorse of conscience, with horror, confusion, and astonishment” Cudworth 1996. 156.

⁷ „Whoever reveals a demonstration from the natural instinct, he reveals of necessity such a common cognitive content which can be refuted by no one” Cherbury 1645/1966. 37-38.

Diachronic consent, or the *prisca theologia* narrative

Refuting dissent, however, does not stop at a contemporary level, since Lord Herbert also said that God has “in *every century* given his common notions to the people”. Hence, the urge to find common denominators among the seemingly diverse phenomena did not stop at a contemporary level, but left the door open for historical research, providing the careful inspector with infinite amount of evidence. Lord Herbert’s offspring, the Cambridge Platonists hence tried to apply this principle in a diachronic way; trying to prove that no real diversity existed between ancient theories or customs and present ones. In doing so, they developed the historical narrative of general consent.

The method employed by the Platonists was a type of narrative received from Marsilio Ficino. Ficino’s so-called *prisca theologia* project was aimed at restoring the authority of some ancient thinkers, among whom the most eminent ones were Zoroaster, Hermes Trismegistus and Plato. The claim that ancient wisdom was nothing but the mere recapitulation of Biblical revelation was supposed to provide for Plato and the others divine authority.

[The Greeks] underlined the main doctrine of the Hebrews and the miracles of the Bible as well, which makes it clear – as Clement of Alexandria, Eusebius and Aristobulus of Attica thought it – that whatever eminent doctrine or secret teaching the pagans possessed, it was all stolen from the Hebrews.

As a consequence of all this, what “Numenius the Pythagorean says seems legitimate: “Plato possessed nothing but the teachings of Moses translated into an Attic dialect” (Ficino 1475. 26.).⁸

Ficino’s aim with this peculiar narrative was to broaden the received framework of Christianity: he believed that providing legitimacy to the so far forbidden speculative or moral knowledge of the ancients would be of great help in the augmentation of his contemporary knowledge. This is one point that has different connotations in the Cambridge narrative: for Cambridge thinkers not the augmentation of our knowledge, but the sameness of our knowledge is important.

Our most important source concerning this Cambridge narrative is Ralph Cudworth. He originates ancient wisdom not from Zoroaster or Hermes, but from a rather mysterious person called Mochus; a theory that is rather hard to falsify, since nobody has any knowledge of him. The greatest mystery surrounding this person comes from the fact that only two ancient sources (Iamblichus and Eusebius of Caesarea) give us a report on him, and none of these tells too much, while Cudworth seems to know a lot.

⁸ For further reading on the topic see: Hankins 2008.; Levi 2001.

According to the seventeenth century philosopher's account, Mochus was supposedly the inventor of atomism in the age of the Trojan War. Being a versatile polymath, he also wrote treatises on philosophy of the soul, cosmology, and the holy trinity. After briefly acquainting us with this extraordinary person, Cudworth concludes that he could not have been anyone else but Moses, prophet of the Hebrews. He hence establishes the essential unity between religion and philosophy, at the same time intimating that no separation exists between the ancients and his age (Cudworth 1996. 38-42.).

Putting our doubts concerning the reliability and accuracy of the facts employed by Cudworth aside, one thing can be declared: this narrative was intended to provide enormous amounts of evidence concerning the existence of generally accepted principles, which – on the other hand – may also help to show the sameness of the most distant times and cultures.

How it all concerns the innatism debate

Turning back to the debate with Locke, we may compare the above-mentioned method with the reconstructed framework of the innatism debate. The problem is the following: 1. The proposition we intend to prove is characterized by property T (property T signifies general consent). 2. Whatever T is, it is innate. 3. Whatever is innate, it is necessarily true. 4. The proposition we intend to prove is necessarily true (Forrai 2005. 63.)

Lord Herbert's and the Cambridge Platonists' intention is to follow the second path, and to prove the existence of innate ideas or principles through empirical evidence.

As it was mentioned concerning moral principles, Locke's attack seems to focus mainly on the first premise, claiming that no idea or principle exists that would be generally accepted, the proof of which is the empirical variety of customs. From the author's line of argument, it evidently follows that premise 2 is meaningless, as no such thing as T exists in reality, and so the further parts of the argument also collapse.

In my view this is not so obvious. Locke famously challenged the doctrine of general consent, but maybe this challenge was not as successful as it is generally thought to be. If we recall briefly the reconstruction of Locke's attack, the problem is clear. His strategy is threefold: first he intends to prove that tangible diversity can in itself provide the refutation of the innateness of moral principles (faith and justice are not owned by all men etc.). At this point Cherbury's analytic-comparative method is not even mentioned, so here Locke argues with positions that claim empirical moral homogeneity in the world. As demonstrated previously, this is not the case with Cherbury.

Secondly, Locke's view is that the Platonists' principles (principles such as virtue or guilt without further articulation) are so abstract that they are practically worth almost nothing. The first problem here is that this does not amount to a real refutation of the original proposition (as Locke does not refute the innateness of abstract principles, he

only claims that they are useless). Furthermore, as we have seen, the Platonists do not only mention abstract universals, they do speak about particulars as well, hence, Locke could here be accused of *ignoratio elenchi*, since he fails to notice an argument.

Locke's third counter-argument seems to be the only one that stands firm, when he says that Lord Herbert's common notions are so arbitrary that practically any idea or principle could be considered to be such common notion this way. Even if this argument seems to be the strongest among the ones mentioned above, it applies particularly to Lord Herbert's theory and not to the general doctrine of common notions based on general consent.

As a consequence of the line of argument mentioned above, we could say that Locke fails to seize the final victory over the innatists. Hence, in my view, the second part of Book 1 in the *Essay* can be interpreted as if Locke was abandoning the battlefield in order to find another opponent:

[W]hen I say, all men shall be proved actually to know and allow all these and a thousand other such rules, all of which come under these two general words made use of above, viz. *virtutes et peccata*, virtues and sins, there will be more reason for admitting these and the like, for common notions and practical principles. Yet, after all, general consent (were there any in moral principles) to truths, the knowledge whereof may be attained otherwise, would scarce prove them to be innate; *which is all I contend for* (Forrai 2005. 63.).

This is the point where Locke seems to change the premise attacked. He claims that even if general consent was obtainable, it would not prove the innateness of an idea or principle. The only possible proof would be the Cartesian one, namely, that such ideas or principles could have no other origin than being imprinted in our souls; a doctrine to be attacked by him later.

Conclusion

My view is that the shift between the standpoints in Locke's case is due to the fact that the advocates of general consent proved too hard to be refuted; hence Locke cannot be declared to be the winner of this debate. Whether or not their argumentation was peculiar, refuting their infinite number of evidences concerning common notions would have required infinite number of counterarguments. Seeing how such an experiment is theoretically impossible, Locke had to shift his strategy and face Cartesianism instead.

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♦ III ♦

HISTORICAL PERSPECTIVES II.
MODERN APPROACHES

Love for Natural Beauty as a Mark of a Good Soul:

Kant on the Relation between Aesthetics and Morality

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Ralph Waldo Emerson once wrote: “In the tranquil landscape, and especially in the distant line of the horizon, man beholds somewhat as beautiful as his own nature” (2003. 39). The poet captures nicely an idea, dominant in the contemporary environmental aesthetics, namely, that aesthetic appreciation of nature is intimately connected with the moral nature within us. Many of us have experienced when in contact with nature that its beauty moves us in a way that goes deeper than its initial appeal; it elicits in us a feeling of comfort, hope, a sense of well-being and belonging to the world. My aim in this paper is to propose an explanation of the connection between our aesthetic experience of natural beauty and our moral ideas. I approach this problem in light of Kant’s aesthetic theory put forward in the Critique of the Power of Judgment.

Introduction

In §42 of the *Critique of the Power of Judgment* Kant puts forward the view that to take a direct interest in natural beauty is a sign of a good moral character. He writes:

I do assert that to take an immediate interest in the beauty of nature (not merely to have taste in order to judge it) is always a mark of a good soul, and that if this interest is habitual, it at least indicates a disposition of the mind that is favorable to the moral feeling (5:299, p.178).⁹

As Kant concedes, it is not merely the ability to judge objects as beautiful (i.e. to have taste) that indicates a good moral character. For example, it is often the case, he writes, that people with good taste are “vain, obstinate, and given to corrupting

⁹ References to Immanuel Kant will be given in the text to the volume and page number of the Akademie edition (Kants gesammelte Schriften, ed. Königlichen Preußischen [later Deutschen] Akademie der Wissenschaften [Berlin: Georg Reimer (later Walter De Gruyter), 1900]). References are also given, after a comma, to the English translation of Critique of the Power of Judgment, ed. Paul Guyer, trans. Paul Guyer and Eric Matthews (Cambridge University Press, 2000), which includes the “First Introduction” (vol. 20 of the Akademie edition). References to Critique of Pure Reason, ed. Paul Guyer, trans. Paul Guyer and Allen W. Wood (Cambridge University Press, 1998), are provided using the standard citations of the A and B editions (vols. 3 and 4 of the Akademie edition, respectively).

passions, could perhaps even less than others lay claim to the merit of devotion to moral principles” (5:298, p. 178). Rather, it is one’s ability to take a direct interest in a beautiful object that gives us reason to assume that he or she must have a good moral character. Since Kant formulates interest as “[t]he satisfaction that we combine with the representation of the existence of an object” (5:204, p. 90), the claim he makes is that one who is able to take pleasure in the existence of a beautiful object must possess a mental attunement favorable to a good moral thinking.

Kant appeals to an example to illustrate what this kind of pleasure is like. He writes:

Someone who alone (and without any intention of wanting to communicate his observations to others) considers the beautiful shape of a wild-flower, a bird, an insect, etc., in order to marvel at it, to love it, and to be unwilling for it to be entirely absent from nature, even though some harm might come to him from it rather than there being any prospect of advantage to him from it, takes an immediate and certainly intellectual interest in the beauty of nature. I.e., not only the form of its product but also its existence pleases him (5:299, p. 178).

It is said that pleasure in the existence of natural beauty is an intellectual pleasure, rather than an empirical one. While the latter is a pleasure grounded in private interests one might have in a beautiful object, the former is pleasure in the sheer existence of a beautiful object in virtue of its form alone. What intellectually pleases us is the fact that an object, which gives rise to a disinterested and universally communicable aesthetic pleasure, exists. Such pleasure is akin to a moral pleasure, because, as Kant writes, it is “being determinable *a priori* through reason” (5:296, p. 176).

It is not every beautiful object, however, that can engender such intellectual pleasure in us; rather this is a privilege held by natural beauty alone:

if someone had secretly deceived this lover of the beautiful and had planted artificial flowers (...) and he then discovered the deception, the immediate interest that he had previously taken in it would immediately disappear, though perhaps another, namely the interest of vanity in decorating his room with them for the eyes of others, would take its place (5:299, p.179).

It is suggested that one’s intellectual pleasure is grounded not merely in one’s experience of beauty, but also in a thought that it is nature, rather than a human hand, that created this beauty. Thus, it is only love for natural beauty that is related to moral thinking. Kant claims that even though artistic beauty might surpass the beauty of natural forms, it cannot however indicate anything about one’s moral character:

the interest in the *beautiful in art* (as part of which I also count the artful use of the beauties of nature for decoration, and thus for vanity) provides no proof of a way of thinking that is devoted to the morally good or even merely inclined to it (5:298, p. 178).

Contemporary interpretations usually take two different approaches in order to explain the relation Kant makes between aesthetics and morality.¹ In short, one suggestion is based on Kant's theory of aesthetic ideas and his claim that beauty is a sensible realization of moral ideas (Rogerson 2008. 84-99). The idea is that experience of beauty reveals moral ideas to us and thus we take a moral interest in the existence of beauty. The other suggestion is based on Kant's statement that there are significant similarities between our experience of beauty and our moral judgments (White 1979. 179-188). The state of mind inherent in making judgments of taste is similar to the state of mind in making moral judgments. The experience of beauty is an experience of a universally communicable state of mind between our cognitive powers (i.e. a state of mind devoid of any private interests), but this is an experience similar to the one that can be found in moral judgments. Presumably, the resemblance between the two experiences assures us that an interest in one of them will also elicit an interest in the other.²

Both of these explanations are, however, insufficient mainly because they cannot explain the specific connection Kant makes between natural beauty and a good moral character. Based on the first account, all beauty expresses moral ideas, and if an expression of moral ideas is a sufficient reason to take a moral interest in a beautiful object, then it is also artistic beauty that must engage one's moral interest and indicate a good moral character. But this is a conclusion that Kant explicitly rejects, as evident from the passage above. It is true that Kant holds the idea that artistic beauty is expressive of moral ideas.³ But if artistic beauty can be expressive of moral ideas, yet it cannot elicit moral interest, then it follows that expression of moral ideas cannot serve as a facilitator of one's moral interest. Hence, this approach – as it stands – fails.

The second approach faces a similar problem. If all that links aesthetic and moral judgments is a resemblance between the two forms of reflection, then this cannot explain what is so special about aesthetic judgments regarding natural objects that are related to one's moral nature. Based on this approach, to have an ability to judge objects by the means of taste and to experience a disinterested and universally communicable feeling of pleasure is a sufficient condition to take a moral interest in beauty. Since moral interest in beauty indicates one's good moral character, it follows that any person who experiences a pure aesthetic feeling has a good moral character. But this is not true, as evident both from the observation that a morally reprehensible person can have a refined taste in nature and art, and from Kant's claim that what indicates good moral character is not merely to have taste, but to have the ability to take pleasure in the existence of a beautiful object. There is a difference between an experience of an

¹ For a short overview of different explanations of the relation between aesthetics and morality in Kant, see: Guyer 2005. 196-200.

² Independently of Kant, this is a view also endorsed by Eaton 2001. 83-88, and Brady 2003. 256-258.

³ For example, he writes "The poet ventures to make sensible rational ideas of invisible beings, the kingdom of the blessed, the kingdom of hell, eternity, creation" (5:314, p. 192).

aesthetic pleasure (which is disinterested and universally communicable and therefore similar to pleasure we take in moral judgments) and an experience of pleasure we take in the fact that such an object exists. It is the latter pleasure that indicates good moral character.

My objective in this paper is to propose a different interpretation of the relation between aesthetics and morality, which can accommodate the connection Kant makes between natural beauty and a good moral character. I believe that the key to finding a viable link lies in Kant's notion of the reflective judgment and the *a priori* principle of purposiveness of nature. Kant introduces this principle as required for both our ability to have empirical cognition and to make judgments of taste. As I intend to show, this principle is also essential for our basic motivation to pursue moral goals. The discussion proceeds as follows: *first*, I provide a reconstruction of Kant's argument for the connection between natural beauty and a good moral character, and point out two main difficulties that his argument is facing. *Second*, I consider Kant's notion of the *a priori* principle of purposiveness of nature. Kant introduces this principle as his answer to the 'empirical nature-cognition' problem, but which is related to a similar 'nature-freedom' problem. *Third*, I explain the association of beauty and the principle of purposiveness of nature, and based on that, point out how natural beauty relates to moral purposiveness.

I.

In §42 Kant argues that one's interest in natural beauty is a sign of a good moral character. The reconstruction of his argument is as follows (5: 300-301, p. 180):

1. It is in the interest of reason that moral ideas have objective reality, that is, that nature shows some traces or gives a sign that it is compatible with our moral ends.
2. Thus, reason must take an interest in every manifestation of nature that shows its compatibility similar to moral compatibility.
3. The existence of natural beauty is such a manifestation.
4. Hence, reason must take an interest in the existence of natural beauty.
5. Because of this affinity, this interest is moral (pleasure in the existence of moral goodness).
6. One who takes interest in the objective reality of moral ideas can do so only insofar as he has already firmly established his interest in the morally good (good moral disposition).
7. Hence, one who takes an interest in the existence of natural beauty must have a good moral disposition.

The argument is based on two premises (premise 1 and 3) that are questionable. Premise one claims that we must be interested in any indications of nature's moral purposiveness. But this premise can be justified only in the case if it is not necessarily true that nature is compatible with our moral ends and that we are able to realize our moral ends in the empirical world. This assumption, however, seems questionable when considered in light of Kant's epistemological and moral theory. Namely, in the *Critique of Pure Reason* Kant demonstrated the logical compatibility of the concept of nature and the concept of freedom (A448/B476). The concept of nature is under the legislation of the faculty of understanding, which determines the sensible world with categories, and the concept of freedom (moral laws) is under the legislation of the faculty of reason, which determines how the world ought to be. Presumably, the concept of nature does not disturb the other and *vice versa*. Kant repeats this idea in the third *Critique*:

Understanding and reason thus have two different legislations on one and the same territory of experience, without either being detrimental to the other. For just as little as the concept of nature influences legislation through the concept of freedom does the latter disturb the legislation of nature (5:175, p. 62).

Accordingly, to act freely is perfectly compatible with the general concepts of nature (law of causality). Furthermore, it follows from Kant's moral theory that even though we cannot prove that freedom is possible, we can assume the reality of this freedom from our awareness of our duties under the moral law. The moral law is a determining basis of our will and thus if we ought to perform a moral action then we must be able to do it. In view of that, Kant's claim that we must find some evidence that nature is compatible with our moral ends seems questionable.

Also, premise three is not justified. Kant merely states that the existence of natural beauty is a manifestation of nature that shows its compatibility similar to moral compatibility, but without providing any support for this claim. Furthermore, all that Kant says about the feeling of pleasure in the beautiful is that it is the result of the mental state of free harmony between imagination and understanding, which is also the state of mind required for empirical cognition (for empirical concept acquisition). Hence, all that the existence of natural beauty seems to reveal is that empirical nature is amenable for our cognition (that apprehended sensible manifold is compatible with the cognitive structure of our mind). But stating that nature agrees with our cognitive efforts does not necessarily imply that such a nature also agrees with our moral efforts.⁴

⁴ This objection is also pointed out by Budd 2002. 56-57.

I propose to address both of these problems in light of Kant's notion of a reflective power of judgment and the *a priori principle* of purposiveness of nature.⁵ Kant introduces this principle as his answer to the 'empirical nature-cognition' problem, but which reveals that there is a similar problem pertaining to nature's moral purposiveness in the empirical world. In order to address the latter, it is first required to consider the former.

II.

In the *Introduction* to the third *Critique* Kant argues that in order for us to have empirical cognition we must presuppose the existence of an *a priori* principle of judgment (i.e. principle of purposiveness of nature) that guides us in our cognitive investigation of nature. Kant's argument for postulating the principle of purposiveness as necessary for empirical cognition can be reconstructed in the following way:

1. We are in possession of the pure concepts of understanding, which determine nature in the most general way (as a substance, cause and effect, etc.):

we first find in the grounds of the possibility of an experience something necessary, namely the universal laws without which nature in general (as object of the senses) could not be conceived; and these rest on the categories, applied to the formal conditions of all intuition that is possible for us, insofar as it is likewise given to us *a priori* (5:183, p. 70).

2. However, these concepts do not determine the empirical content of specific natural forms, such as dogs, stones, flower, fish, or of particular events, such as the warmth of the stone being caused by the sun:

the universal laws of nature yield such an interconnection among things with respect to their genera, as things of nature in general, but not specifically, as such and such particular beings in nature (5:183, p. 70).⁶

⁵ According to Kant, reflective judgments, together with determining judgments, belong to one of the three faculties of thought, that is, to the faculty of judgment (understanding and reason being the other two). The function of the power of judgment is to connect empirical intuition with the appropriate concept, and to attain harmony between the imagination and understanding. In the case of determining judgment, the universal concept is given, so the judgment merely subsumes the particular under it. The reflective power of judgment, on the other hand, is activated when we are presented with a manifold for which we do not yet have a concept. The role of the reflective power of judgment is to find a new concept (rule) under which the particular can be subsumed, so that the determining judgment can be made (5:179-180, p. 66-67).

⁶ Kant claims that categories are heterogeneous from empirical intuition and can never be encountered in any intuition (A137/B176). That is, there is no image of a category of a substance or an image of the category of cause and effect. All the images and laws we encounter in the empirical world are merely particular determinations of the categories. For example, an image of a house, or an image of a dog is only a particular determination of the category of a substance. Since categories do not distinguish between particular images and laws (the category of a substance does not distinguish between the image of a house, and an image of a

3. Since the categories do not determine the empirical content of specific natural forms, then, without any further presupposition, there could be such a diversity of natural forms and events that we could never understand nature as a unified and coherent system. There could be so many ways of organizing these particular experiences, that without the presupposition of an underlying unity we could never understand nature as a systematically organized whole. Categories alone cannot guarantee the coherence of our empirical cognition:

For although experience constitutes a system in accordance with transcendental laws, which contain the condition of the possibility of experience in general, there is still possible such an infinite multiplicity of empirical laws and such a great heterogeneity of forms of nature, which would belong to particular experience, that the concept of a system in accordance with these (empirical) laws must be entirely alien to the understanding, and neither the possibility, let alone the necessity, of such a whole can be conceived (20:203, p. 9).

4. But this is not true. We do have an experience of empirical nature as a system (for example, a classification of biological forms into the system of genera and species).

5. Hence, this means that in addition to the pure concepts of understanding, there must be a principle that guides us in making our experience of empirical nature coherent and systematic. This principle is nothing else but a necessary presupposition of the power of judgment that

nature [in] the specification of the transcendental laws of understanding (principles of its possibility as nature in general), i.e., in the manifold of its empirical laws, proceeds in accordance with the idea of a system of their division for the sake of the possibility of experience as an empirical system (20:243, p. 42).

According to Kant's reasoning, we must assume that reflective judgment, which looks for the universal of a particular, operates under the presupposition that nature in its specificity forms a system in which all phenomena are related to each other and divided into the genera and species. This assumption makes it possible for reflective judgment to look for the commonalities in natural forms, and therefore, to bring them under the universals. This assumption of the systematic character of nature is necessary for the rationality and coherence of our reflection, because without it, as Kant says: "all reflection would become arbitrary and blind, and hence would be undertaken without any well-grounded expectation of its agreement with nature" (20:212, p. 16).

dog), they cannot determine nature in its particularity. For a more detailed explanation of this problem, see: Pippin 1982. 137; Ginsborg 1997. 56; Guyer 2006. 180-181.

As the ‘empirical nature-cognition’ problem shows, the existence of general concepts of nature cannot guarantee that nature in its specificity will be compatible with the structure of our mind. But if general concepts of nature do not determine empirical content of specific natural forms then it follows that even though Kant established the compatibility between *a priori* concepts of nature and the concept of freedom on the transcendental level, this does not guarantee that they are also compatible on the empirical level. Thus, there is a possibility that empirical nature is structured in a way that precludes the realization of our moral demands in the sensible world. General concepts of nature do not determine empirical nature in its particularity and also the *a priori* concept of freedom cannot guarantee that the empirical order of nature is such that it conforms to our particular moral pursuits.⁷ Even though we are committed to perform our moral obligations, there might still be a worry about the effectiveness of our moral actions. As Henry Allison puts it, the worry is “whether what is required by (moral) theory is achievable in practice (in the “real world”)” (Allison 2012. 219).

But it is Kant’s idea that the concept of freedom should have an effect on the empirical nature, that is, “the concept of freedom should make the end that is imposed by its laws real in the sensible world” (5:176, p. 63). Hence, it is necessary that we assume the idea that nature is nevertheless compatible with our moral aims:

nature must consequently also be able to be conceived in such a way that the lawfulness of its form is at least in agreement with the possibility of the ends that are to be realized in it in accordance with the laws of freedom (ibid.).

To conceive nature as attuned to our moral projects is required in order for human beings to pursue their moral goals. Without a belief that moral laws can be realized in the sensible world, we would not be motivated to pursue our moral ends and put them in practice. To interpret nature as being responsive to our moral ideas is a necessary condition for our moral actions and moral behavior. Dieter Henrich nicely puts this idea as follows:

the moral agent pursues purposes that derive from the good will. He attempts to help other human beings and he aims to improve the overall condition of society so that evil will no longer flourish or just men suffer. And since he simply cannot follow the law’s demand without believing that it is possible to succeed in all these regards, he accepts, together with the validity of the moral law, a view of what the world is like: its constitution must be such that its effects are not indifferent to, or even counteract, morally motivated actions. This belief is a necessary implication of the agent’s moral conduct, whether he becomes aware of it or not (Dieter 1992. 24-25).

⁷ For a more detailed explanation of the ‘nature-freedom’ problem see: Düsing 1990. 79-92; Genova 1970. 452-480, and Allison 2001.195-217.

III.

In the previous section I explained Kant's reasoning behind his claim that as moral beings we must be interested in signs of nature's compatibility with our moral ends. Because we have to assume the idea of nature's moral purposiveness as a condition for the very possibility of our moral life, we have an interest in any expression of nature that shows to be compatible with our moral ends. When we come across such signs, a feeling of pleasure is produced.

Kant seems to be convinced that it is natural beauty that gives us a sign that empirical nature is compatible with our moral ends. However, all that he says about a beautiful object is that it reveals that nature is purposive for our cognition. Namely, Kant suggests that the same principle of purposiveness of nature that governs our cognitive investigation of nature is also responsible for our ability to make judgments of taste (of the beautiful). For instance, in one of the many passages supporting this connection he says:

The self-sufficient beauty of nature reveals to us a technique of nature, which makes it possible to represent it as a system in accordance with laws the principle of which we do not encounter anywhere in our entire faculty of understanding, namely that of a purposiveness with respect to the use of the power of judgment in regard to appearances (5:246, p. 129).

The claim is that a beautiful object exhibits a technique of nature, that is, a purposiveness that allows us to represent nature as a system. But, as Kant writes, it is not nature itself that is technical (that is, purposive), but rather "the power of judgment is properly technical; nature is represented technically only insofar as it conforms to that procedure of the power of judgment and makes it necessary" (20:220, p. 22). In other words, an object is considered beautiful when it satisfies the principle of purposiveness, which guides the procedure of the power of judgment. A beautiful object represents the satisfaction of the principle of nature's purposiveness for our cognitive abilities.

Moreover, Kant suggests that the principle of purposiveness is properly revealed only in judgments of taste:

It is therefore properly only in taste, and especially with regard to objects in nature, in which alone the power of judgment reveals itself as a faculty that has its own special principle and thereby makes a well-founded claim to a place in the general critique of the higher faculties of cognition, which one would perhaps not have entrusted to it (20:244, p. 44).

This implies that the principle is not revealed in cognitive inquiries, even though it is also necessary for them. In my understanding, Kant's thought can be explained with reference to the two kinds of reflection employed in the power of judgment. In cogni-

tive inquiries, reflection is the action of comparing one form with other forms in order to find common features. In judgments of taste, on the other hand, reflection is the action of comparing a single form with our own faculty of cognition (20:211, p. 15). This means that in the first case the primary result of the comparison made in accordance with the principle is the perception of the commonalities between two objects. However, in judgments of taste the primary result is the feeling of pleasure or displeasure, and it is this feeling that reveals the extent to which the principle of purposiveness is satisfied by the object. What we perceive in a judgment of taste (of the beautiful) is the conformity of the object with this principle, that is, a harmony between imagination and understanding, and this is experienced through the feeling of pleasure alone. Pleasure designates that our expectations about the world are fulfilled. In other words, we feel pleasure in the experience of the contingent harmony between nature and our cognitive abilities. A beautiful object complements our idea of nature as a system. That is, a beautiful object discloses the purposiveness or systematicity of nature at the most particular and concrete level and it does that through the feeling of pleasure alone.

I do not want to go into details of legitimizing the connection between the principle of purposiveness and judgments of taste, which has already been pointed out by other Kant-scholars (Ginsborg 1990. 66-68; Matthews 2010. 63-79; Baz 2005. 1-32; Kuplen 2013. 124-134). Here I just want to point out how this connection can explain the association of natural beauty with moral purposiveness. That it is the principle of purposiveness of nature, the satisfaction of which is revealed in a beautiful object, that connects empirical nature with practical reason, is explicitly pointed out by Kant as follows:

That which presupposes this *a priori* and without regard to the practical, namely, the power of judgment, provides the mediating concept between the concepts of nature and the concept of freedom, which makes possible the transition from the purely theoretical to the purely practical, from lawfulness in accordance with the former to the final end in accordance with the latter, in the concept of a *purposiveness* of nature (5:196, p. 81-82).

Unfortunately, Kant does not provide any details on how the principle of purposiveness makes this transition possible. However, based on what he does say on the relation between beauty and the principle of purposiveness, certain suggestions can be made. My proposal is the following.

According to Kant, the feeling of pleasure in a beautiful object is a result of the confirmation or satisfaction of the principle of purposiveness of nature. This principle represents a unique way of reflecting and approaching nature. The principle does not determine the world; rather, it determines us, and our need to see the world in a specific way. It is an indeterminate idea about how the world is supposed to be organized so that it allows our understanding to cognize it. And it is an idea that holds only for us, but not necessarily for nature. This means that when this presupposition of pur-

positiveness is met with in nature, that is, when the harmony between imagination and understanding is established, then this harmony is considered as contingent. Pleasure designates that our expectations about the world are fulfilled. We appreciate forms that are in accordance with the principle of purposiveness, and that reassures us that the world is indeed such as we expect it to be.

Accordingly, what is inherent in the experience of beautiful nature is the idea of nature that favors us and which is made with the sole purpose to suit us and please us. As Kant points out:

The flowers, the blossoms, indeed the shapes of whole plants; the delicacy of animal formations of all sorts of species, which is unnecessary for their own use but as if selected for our own taste [and] which seem to have been aimed entirely at outer contemplation (5:347, p. 222).

We think of nature being contingently harmonious with our cognitive abilities. However, when we come across beautiful natural forms, our feeling of pleasure is accompanied with an idea that such forms must be intentionally produced (by an unknown source) for the sole purpose of pleasing us:

We may consider it as a favor that nature has done for us that in addition to usefulness it has so richly distributed beauty and charms, and we can love it on that account, just as we regard it with respect because of its immeasurability, and we can feel ourselves to be ennobled in this contemplation – just as if nature had erected and decorated its magnificent stage precisely with this intention (5:380, p. 252).

But to think of nature as if made for the sole purpose to suit us is to think of it as something that can be shaped freely according to our desires, and for the satisfaction of our needs and aims, thus, for our moral needs as well. Beauty makes us think that our moral ideas can also be met in nature and that our “moral self [has a place] within the realm of natural system” (Kneller 1998. 411). Through a feeling of intense pleasure, nature gives us evidence that moral ideas can be realized in nature. Just as the principle of purposiveness, which is properly revealed in the beautiful, makes our cognition systematic and coherent, so does encountering beautiful objects make us think of the possibility of the existence of a moral world, which is not subjected to arbitrariness and irrationality, but rather, which is harmonious with our moral self and susceptible to our moral pursuits. Beautiful images of nature – from colorful tulips, magnificent and graceful birds such as the Hyacinth Macaw, to majestic Victoria Falls when viewed at sunset, its reds and oranges myriad, and the mesmerizing sandstone rock formation, The Wave, in Arizona – they all reinforce our hope that the world is not indifferent to our moral goals and actions. The existence of natural beauty gives us a sign that nature is compatible with our moral goals, in other words, that the faculty of reason, which

determines how the world ought to be, is compatible with the concept of nature, that is, with how the world is.⁸

According to this explanation, we can now make sense of Kant's claim that interest in natural beauty is a sign of a good moral character. We have an interest in the existence of natural beauty because it reveals to us that our moral pursuits are not in vain. As moral beings we strive to realize our moral goals in the sensible world and to find signs that nature is compatible with such moral pursuits elicits in us a feeling of intellectual pleasure. Thus, one finds pleasure in the existence of natural beauty only insofar as one is committed to pursue his moral ends. But one who is committed to pursue his moral ends must have a good moral character or at least a disposition to a good moral way of thinking. Hence, as Kant concludes, pleasure in the existence of natural beauty indicates a disposition to a good moral character. All that follows from Kant's argument is that one who takes a morally based interest in a natural object must be favorable to a good moral thinking and this allows for the possibility that one might have a good moral character and fail to enjoy natural beauty; not all of us are lovers of natural beauty, but this in no way indicates that we must have a morally reprehensible attitude.⁹

Furthermore, such an explanation of the relation between aesthetics and morality can also accommodate Kant's claim that beauty is an expression of moral ideas. Natural forms, Kant writes, "contain a language that nature brings to us and that seems to have a higher meaning" (5:302, p. 181). For example, the white color of a lily evokes the idea of innocence, or a bird's song evokes the idea of joyfulness. The reason for our interpretation of nature as communicating such ideas is the following: the experience of aesthetic pleasure (beauty) designates that our expectations about the world are fulfilled. We have a need to systematize experience, that is, to attain agreement between nature and our cognitive abilities. The systematization of experience is our mode of approaching and organizing nature, so that we are able to cognize it. Accordingly, the experience of aesthetic pleasure (beauty) is a sign of the familiarity with the world, of feeling at home in the world. The ability to know the world occasions the state of harmony and union between us, our mental structure, and the world. When our expectations of order and our need to organize the world in a specific way are satisfied and fulfilled, we do not experience merely pleasure, but also a sense of having control over

⁸ Some Kant-scholars explain the relation between beauty and morality as the former being subordinated to the latter. For example, Michael Kraft argues that based on Kant "The world is beautiful because it has a moral meaning for man" (1983:598). My interpretation of Kant does not support this conclusion. It follows from my account, that because we find an object beautiful, in other words aesthetically purposive, we have a reason to assume the existence of moral purposiveness.

⁹ As Baxley nicely puts this point: "even if taking an intellectual interest in natural beauty is an indicator (of indeterminate reliability) of a moral disposition, it is perfectly conceivable that one could have a good will or a fully developed virtuous character – and lack such an interest" (2005: 39).

the organization of experience, and this can occasion feelings and ideas of joyfulness, of care, innocence, virtue, hope, optimism, etc. But these are all ideas with a strong moral content. Natural beauty affords an intimation of the world of moral ideas and this in itself makes our experience of it all the more valuable and morally significant.

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Judgement in Politics

Responses to International Insecurity from Hannah Arendt and Immanuel Kant

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*My paper compares a few of the key issues of Hannah Arendt's and Immanuel Kant's account on IR by revisiting the controversial reading she offered on § 40–41 of the Critique of the Power of Judgment. It claims that by focusing closely on their parallel insights concerning the insecurity inherent to the supranational level of politics which was called by Arendt “the world” and by Kant “the cosmopolitan community of mankind”, one can argue for her thesis on the high political relevance of the theory of judgement based on what Kant labelled as *sensus communis* in his aesthetics. Kant held that political stability in national political communities is part and parcel of the upcoming emergence of an overall rule of the law on the global scale, while Arendt convincingly proved that totalitarianism (the formative experience of her thinking on human co-existence whatsoever) is a completely new and unprecedented form of government which substantially differs from other forms of governance. She also pointed out that this qualitative difference does not create a different world. The vulnerability of other, more traditional forms of governance is heightened by the advent of totalitarian politics exactly because of this unity in humans' world.*

Introductory remarks

The *Critique of Judgment* is the only [one of Kant's] great writings where his point of departure is the World and the senses and capabilities which made men (in the plural) fit to be inhabitants of it. This is perhaps not yet political philosophy, but it certainly is its *sine qua non*. If it could be found that in the capacities and regulative traffic and intercourse between men who are bound to each other by the common possession of a world (the earth) there exists an *a priori* principle, then it would be proved that man is essentially a political being (Arendt 1982. 141–2; quoted in Beiner – Nedelsky 2001a. viii).

As this quote from her *Lectures on Kant's Political Philosophy* shows, the essence of Hannah Arendt's interpretation of Kant's political teaching is that the foundation of politics rests on the disinterested glance embracing the shared world. This principal idea discovered in Kant was consistent with her theory.

I aim to show in this paper that her interpretation is one of the most convincing attempts to apply Kant's pre-modernistic view on society and politics to a context after modernism. In Arendt's view, the main difference between Kant and the nineteenth century liberal mainstream consisted in their attitude towards the world. Nineteenth century liberals had a 'tactile' eye that expressed their basically appropriative attitude in relation with the world, which resulted in the subordination of politics to the general system of appropriations, that is, to economics as Hegel and Marx described it. The acquiring-annihilating attitude, as Hegel pointed it out, is more authentic than the cultural-contemplative one, "the transformation of appetite itself into thought" (Bakan 1979: 53). It was the oeuvre of Marx that opened Arendt's eyes to the human being as "a consuming being" who, as Bikhu Parekh wrote, "builds the world only to dismantle and recreate it to suit his constantly changing needs" (Parekh 1979: 75). Unlike them, Kant insisted on what he called in his *Critique of the Power of Judgement* 'disinterestedness' and in his essay on *Perpetual Peace* 'the right to visit' as a desirable and conceivable foundation of any intersubjectivity.

Thus, a thesis complementing the sympathetic readings of the Arendtian interpretation of Kant can be as follows: if humans' world is principally constituted by political action, then it would be also possible on the basis of Kant's proto-liberal premises and on his view on history and on the public sphere to offer a theory of action which is not interest- and appropriation-oriented, irrespective of the fact that Kant actually chose another foundation of his political theory in the thesis on the individuals' autonomy. Arendt noticed that the theory of the relation between humans and their world offered by Kant comprised also a theory of the communicability of this very same relation which is based on the contemplation instead of the appropriation of the world – that of the aesthetic glimpse (Beiner – Nedelsky 2001a: x). The opposition between the 'beautiful' and the 'I like' as a manifestation of the rights of a non-possessing eye has one single function, the appellation to judgement and consent.

Arendt's views on culture prove that the opposition between appropriative and disinterested attitudes intrigued her. This conceptual opposition is a central notion of Arendt's philosophy of culture: in her *Crisis in Culture* she distinguished between consuming and non-consuming attitudes towards culture. She saw 'bad' politics, mass society, and the culture of consumption interconnected with a possible antithesis of 'good' politics, healthy society, and non-appropriative enjoyment of culture. The reason behind it is that the enjoyments of mass society are destined only to "while away time" (Arendt 2001: 9); that is to say, free time, which should be the basis of any political action, loses its central role in the life of individuals:

Mass culture comes into being when mass society seizes upon cultural objects, and its danger is that the life process of society [...] will literally consume the cultural objects, eat them up and destroy them. Of course, I

am not referring to mass distribution. When books or pictures in reproduction are thrown on the market cheaply and attain huge sales, this does not affect the nature of the objects in question. But their nature is affected when these objects themselves are changed – rewritten, condensed, digested, reduced to kitsch in reproduction, or in preparation for the movies (Arendt 2001. 10).

This diagnosis of the culture-destroying, consuming mass society makes clear that Arendt intended to grasp the meaning of cultural ‘consumption’ in its outer, reified appearance and not as the fundamental characteristic of a civilisation. On the contrary, true culture, which is durable and not characterized by its functionality, belongs to the world. She established an analogy between cultural and political dichotomies by saying that culture isolates itself from the world of consumption just like the public sphere from that of the needs. Arendt’s statement that the common feature of art and politics is their public visibility appears together with her claim of regarding Kant’s *Critique of the Power of Judgement* as his real political philosophy. This shows the way she connected aesthetics to politics, with laying less stress, as Ronald Beiner put it, on the Kantian common denominator of these spheres, namely autonomy (Beiner 2001. 95-6).

She was of the opinion that the fate and future of morality in the world is doubtful, although preserving disinterestedness may shelter humankind from totalitarian rulers. Concerning the relation between politics and morality, Arendt thought that it is desirable that the morality of politics should be an ‘inner’ morality (Villa 2000a. 14) in a sense that it cannot be driven by self-interest affecting the use of the public space. According to Arendt’s view, the agents appear in the public sphere without taking advantage of it (with symbolic politics). Still, it is hard to believe that Arendt did not know that Greek politics was also tainted by goal-rational morality and that she entertained illusions about the symbolic occupation of public space in modern politics. Nonetheless, it is plausible to argue for her efforts to safeguard at least a part of the public sphere as a playground of the expression of ‘inner’ morality, as a place of freedom where the ‘disinterested’ spectator can become visible. Without this reserve for ‘inner’ morality, the symbolic, appropriative use of the political sphere threatens to become total, and in this threat Arendt recognized one of the first steps leading to totalitarianism. She was not longing for the comeback of Greek democracy but she warned that by the destruction of this normative playground modern democracy takes the first step towards self-destruction.

Arendt did not deny the possibility of political consensus concerning the use of the public space along with the interests and aim-oriented moral principles, although she never ceased to emphasize the importance attached to that part of the public sphere where consensus is not reached on the basis of interests but on that of judgement. This kind of use of the public sphere does not aim towards its appropriation but reflects

on politics while leaving it intact and, moreover, confirm its autonomy. This may be termed the 'aestheticization of politics' if reflection is the action of a disinterested gaze, but it also proves that this 'aestheticization', in opposition to Dana Villa's claim, goes far beyond a broader use of the metaphor of the 'theatrum politicum' (Villa 1996. 12).

There is no proof whatsoever that Arendt seriously considered the possible role of this disinterested gaze in politics. Her return to Kant is decisive as she forwarded the question to Kant: if disinterested pleasure is possible in aesthetics, it may be possible in politics too. The answer to the question depends, of course, on the interpretation we attribute to the concept of judgement. Many think that the nature of our judgements is not similar to the judging reflection of an impartial mind suddenly confronted with its object. This attitude, which is by no means alien to Kant, is perhaps all too much attached to a presumably ideal psychology of art enjoyment.

The outcome of disinterestedness is a shared world instead of a divided one: Arendt and Kant agreed on this point. The unrestricted communication is a prerequisite of the suppression of 'sensus privatus' and of the public, that is, intersubjective reason's authority (O'Neill 2001. 74). This is the main issue of Arendt's reading of Kant: the safeguarding of a common, shared world without having to postulate an 'objective' human nature (Beiner 2001. 92). The basic idea that shaped the attitude of nineteenth century liberalism, the interwar period, and the Cold War was that of an originally divided world instead of a shared one. In Arendt's eyes, Kant's account of judgement is not embedded in the theory he drew in his essay *Answer to the Question: What is Enlightenment?* but is enveloped in a broader theory (Villa 1996. 65).

Hannah Arendt – a thinker after totalitarianism

In this part of the paper I argue that Arendt's journey, eventually reaching her conclusions, began with the personal experience of totalitarianism. I consider Hannah Arendt to be a thinker whose theory was not so much 'about' but rather 'after' totalitarianism (Villa 2000a. 4). First of all, I am interested in the way the experience of totalitarian regimes penetrated her thought regarding its aims, subject matters, and methods. Then, turning to totalitarianism itself as a historical phenomenon, one can state that it is the total negation of the changeability of the world, i.e., of action. However, it is at the same time the phenomenon that spurs individuals to action by awakening their sense of morality. My aim is to show that Kant's teaching, in Arendt's interpretation, might prove helpful in these borderline situations. Exposure to totalitarian dictatorship prompted Arendt to turn to the question of judgement, which, alongside with the idea of disinterestedness, led her to the third Kantian *Critique*.

Dictatorship remained a recurrent theme of Arendt's writing. Her key moment came with the trial of Adolf Eichmann when she turned towards the problem of judge-

ment (Beiner 1982. 99; Benhabib 2000. 75). Her essay on *Personal Responsibility under Dictatorship* sheds light on her path from the personal experience of totalitarian regimes to the reflections on the nature of judgement in politics. The complete lack of judgement is unacceptable and the same applies to any kind of collective judgement (for example, the idea of collective guilt of the Germans “from Luther to Hitler” [Arendt 2003. 21]), because judgement belongs exclusively to individuals:

Which in practice turned into a highly effective whitewash of all those who had actually done something, for where all are guilty, no one is. [...] There is no such thing as collective guilt or collective innocence; guilt and innocence make sense only if applied to individuals.¹

One can add that the notion of collective guilt seems to presuppose collective judgement and therefore endeavours to create an otherwise not necessarily existing social consensus or prejudice. However, judgement is, and indeed should be, in every aspect an individual mental act; individuals have to judge on the deeds of individuals, but in such a way that their judgement should form a communicable and morally coherent structure. This insight does not only have a retrospective significance; the impersonality of collective judgement threatens to reproduce that faceless mass society whose appearance led to the catastrophe. Thus, regaining and using their faculty of judgement enables the individuals to pose the question of responsibility (Arendt 2003. 30–1).

Arendt’s narrative concerning the process of the annihilation of the power of judgement is based on her experience in National Socialist Germany. The first step was “the intrusion of criminality into the public realm” (Arendt 2003. 24) but the moral problem was posed by the presupposed ‘hindering’ of historical *telos*: “this very early eagerness not to miss the train of History” (Arendt 2003. 24). The majority of the Germans, she wrote,

were not responsible for the Nazis, they were only impressed by the Nazi success and unable to pit their own judgment against the verdict of History, as they read it. Without taking into account the almost universal breakdown, not of personal responsibility, but of personal *judgment* in the early stages of the Nazi regime, it is impossible to understand what actually happened (Arendt 2003: 24).

Her *Lectures on Kant’s Political Philosophy* connected the Kantian themes – disinterestedness and judgement – with that of despotic regimes. She linked the experience of totalitarianism with the fact that others’ behaviour becomes utterly unpredictable, as she highlighted: “if you go through such a situation [as totalitarianism], the first

¹ Arendt 2003. 29. As she wrote in her 1968 essay ‘Collective Responsibility’, “Guilt, unlike responsibility, always singles out; it is strictly personal. It refers to an act, not to intentions or potentialities” (Arendt 2003b. 147).

thing you know is the following: you *never* know how somebody will act” (Arendt 1982: 115). Thus, one of the first consequences of totalitarianism is the undermining of sociability. This also explains why Arendt applauded the signs of social solidarity in the Hungarian upheaval of 1956 (Gángó 2009).

Arendt and Kant, the philosopher of history, has a clear consensus on the necessity of taking a judging position that is different from the routinely used one, but one that nevertheless remains inside of historicity. Judging spectators should not apply a timelessly moral perspective to certain processes in history. Arendt rejects this Kantian solution as Kant himself rejected it at the end of long decades of reflection on the relation between morals and politics. The point is that for the act of judging individuals one have to choose another historical perspective to apply to these events: different in several aspects (chronological scale, point of observation) from their everyday perspective. Then, this different perspective, which is the result of abstraction and as such the essence of the autonomous judgement, has to be shared with others. This is an eminently Kantian problem and also a major argument justifying the opinion that Arendt’s critical interpretation based on the *Critique of the Power of Judgement* was not directed against the whole written political doctrine of Kant, but only against its utopian conclusion.

That is the reason why Arendt asked: “How can you think, and even more important in our context, how can you judge without holding onto preconceived standards, norms, and general rules under which the particular cases and instances can be subsumed?” (Arendt 2003: 26) It is only everyday historical experience that provides us with these “preconceived standards” and only the abstraction from these standards has to be presupposed, hence Arendt’s answer is as follows:

“For only if we assume that there exists a human faculty which enables us to judge rationally without being carried away by either emotion or self-interest, [...] can we risk ourselves on this very slippery moral ground with some hope of finding a firm footing” (Arendt 2003: 27).

The adjective ‘preconceived’ seem to make reason historical, as if the categorical structure of our concepts of understanding was a matter of habit:

In the light of these reflections, our endeavouring to understand something which has ruined our categories of thought and our standards of judgment appears less frightening. Even though we have lost yardsticks by which to measure, and rules under which to subsume that particular, a being whose essence is beginning may have enough of origin within himself to understand without preconceived categories and to judge without the set of customary rules which is morality.²

² Arendt: ‘Understanding and Politics’, quoted in Passerin D’Entrèves 1994. 106.

Thus, Arendt emphasizes the prudential side of Kant's theory: she considers it the frame of his real political philosophy in opposition with his written doctrine on morality. Arendt also suggests that because of the impossibility of achieving morality, humans have to be reconciled with a prudence-based coexistence instead. (A community on the basis of moral principles would be, according to Kant, a religious community: Arendt puts this possibility aside and instead accentuates the private essence of religion [Gángó 2010].) With her thesis on the unwritten Kantian political philosophy, Arendt suggested that Kant's intention was to find a community based on prudence, but she also suggested that his written political philosophy intended something else, namely, a community based on morality.

Arendt's reading stresses a special feature of politics, namely, that the actor and the spectator are intermingled so as that they cannot be completely separated (Hutchings 1996. 97). According to Arendt, something similar happens to the life of individuals under totalitarian rule, namely, that no one can avoid becoming a part of the system nor can they beat or bypass it in any way. Kimberly Hutchings directed attention to Arendt's reading of Kant's concept of the spectator judging history:

Arendt bases her claim as to the essentially political nature of judgment on her reading of the role of the *sensus communis* in the *Critique of Aesthetic Judgment*, and on her reading of the figure of the spectator or philosophical judge which emerges from Kant's essays on enlightenment, peace, history and the contest of the faculties (Hutchings 1996. 93).

Judgement and social communication in Kant's *Critique of the Power of Judgement*

Although in the third *Critique* Kant discussed the qualities of taste, individual or social, Arendt claimed to have found the germ of his political philosophy in there, namely, in the §§ 40-41. In the next part of my paper I examine Arendt's proposition by a close reading of the §§ under question.

These paragraphs give prominence to a collective thinking about sociability and have a curiously digressive nature; both features support Arendt's thesis. These two paragraphs are evident digressions in the text. Moreover, they contain a great number of further digressions. Kant kept returning to this topic despite its apparent irrelevance to his principal subject matter. It might indicate to an even less clear-eyed reader than Arendt that something of the utmost importance must be discussed here. Indeed, there is, even if marginal, discussion of politics in Kant's *Critique of the Power of Judgement* and it is contained in the digressions of these two paragraphs.

First of all, I explore the Kantian idea of *sensus communis* to evaluate correctly Arendt's interpretation. Arendt must have noticed that Kant, for whom thinking is

normally a solitary activity, in the *Critique of Judgement* pictured it as a social activity. It had to presuppose that thinking in company can only take place in a shared world – in a divided world the possibility of co-thinking is denied for humans.

According to § 40 of the *Critique of Judgement*, *sensus communis* is not a higher cognitive faculty but a way of thinking; a faculty to form judgement from a universal point of view. As the title of the § indicates, Kant regards taste as “a kind of” (AA 5. 293; Kant 2000. 173) *sensus communis*: he draws a loose analogy between them. Kant’s seemingly purposeless insistence on finding moral analogies to *sensus communis* indicates the importance of attaining this universal point of view. The parallel between the sense of community and the sense of justice leads towards a universal point of view by leaving behind the personal perspective of what is just or likeable. Kant’s claim is similar to that of Arendt: overriding the selfish perspective and putting yourself in your neighbour’s shoes help to reach this universal viewpoint: “putting himself into the position of everyone else, merely by abstracting from the limitations that contingently attach to our judging” (AA 5. 294; Kant 2000. 174). This position means nothing else than the abstraction of the limits and contingencies of our position: in a word, the abstraction of our interestedness.

Further, he deals with common sense as “common human understanding” (AA 5. 293; Kant 2000. 173). There Kant speaks about the feasibility of putting yourself into someone else’s position by keeping your open-minded attitude; this propaganda of the Enlightenment clearly reiterates the point of his political writings and mirrors his written doctrine. Common sense means taking another individual’s position, that is to say, trying to foresee other peoples’ actions. Through a series of analogies Kant elucidates the similarity between taste and common sense: “One could designate taste as *sensus communis aestheticus*, common human understanding as *sensus communis logicus*” (AA 5. 295; Kant 2000. 175). They are universal, they are communicable, and they are embedded in sociability, still, the former belongs to the power of judgement while the latter to the understanding.

Concerning the digression itself, the last section at AA 5: 293 makes clear that the author was aware of digressing from his main point: “The following maxims of the common human understanding do not belong here” (AA 5. 293; Kant 2000. 174). After debating the meaning of common sense, Kant offers the following conclusion: taste can be called common sense with more right than common sense as such, presumably because the shift of positions is only one of the characteristics of the latter, while it is the only and principal one of the former. Consequently, the definition of taste pivots around communicability: “Taste is thus the faculty for judging *a priori* the communicability of the feelings that are combined with a given representation (without the mediation of a concept)” (AA 5. 296; Kant 2000. 176).

In § 41, Kant first deals with the interconnectedness of taste and sociability. Taste, according to Kant, has a lot in common with social communication, refinement, and

humanity: hence, taste belongs to the sphere of ‘impure ethics’ (Louden 2000). Kant even identifies taste with refinement (AA 5. 291; Kant 2000. 171). But it is still a long way from politics; at this point Arendt has to assist us in bridging the gap between impure ethics and politics. This leap is understandable if we take into account Arendt’s special personal experience, that is, the emergence of the sphere of the social, its connection with the political as well as with the mass society (a phenomenon unknown to Kant) in the public sphere, and the appearance of irrationality in politics. But all this is just another digression on Kant’s part, since the relation of taste to sociability is of empirical nature and therefore touches the matter (the *a priori* judgements of taste) only indirectly. The transition from the agreeable to the good is labelled as “ambiguous” (AA 5. 298; Kant 2000. 177), only with regard to the impure ethics of refinement that also takes the inclinations into consideration.

Later on, Kant articulates the idea that judgement of taste enables humans as social beings to share their feelings as well as their thoughts. Sociability from this point of view means a very narrowly conceived community of communication with an overall agreement. This is a corollary of disinterestedness, and its consequence is a surprisingly ‘social’ sociability of the *Critique of the Power of Judgement*: while unsocial sociability begins where interests and competitive society take over the communion of socializing humans.

Then § 41 offers an account of the genesis of culture. Kant argues that the social aspects of taste can be investigated only by taking the “empirical” interest into account (AA 5. 296; Kant 2000. 176). He elaborates the answer to the question whether a community of taste, from this perspective, is necessarily a community of communication. Because, says Kant, it creates a sort of original contract, that is, a step preceding the *pactum associationis*; taste enhanced by interest is the necessary foundation of any civilization and refinement. This reflection is, however, conspicuously termed a digression:

However, this interest, attached to the beautiful indirectly, through an inclination to society, and thus empirical, is of no importance for us here, for we must find that importance only in what may be related to the judgement of taste *a priori*, even if only indirectly (AA 5. 297; Kant 2000. 177).

There are further arguments for the political reading of the third *Critique*, but Arendt, who never evinced any interest in the eminently aesthetical problems of the sublime and the beautiful, chose not to explore them. Neither the beautiful nor the sublime has anything to do with her thinking, she neither regarded works of art as essential parts of the world nor fashioned her concept of the world to correspond with that of a limitless nature. Her world is the Globe inhabited by humans. Kant, on his part, generally mistrusted political rhetoric that uses the beautiful prudentially in order to achieve (one’s own) goals (AA 5. 327–8; Kant 2000. 205). In the methodological chapter, his reflections on a “lawful society” refer to eventual political connotations

(AA 5. 355, Kant 2000. 229). Moreover, he uses political metaphors in the analytic of the sublime. In the case of the dynamically sublime nature shows strength, being sublime because it awakens humans to their vocation over nature: “Thus nature is here called sublime merely because it raises the imagination to the point of presenting those cases in which the mind can make palpable to itself the sublimity of its own vocation even over nature” (AA 5. 262; Kant 2000. 145). This is why the General, and not the Statesman, is the right metaphor of the aesthetic judgement: “war, if it is conducted with order and reverence for the rights of civilians, has something sublime about it” (AA 5. 262-3; Kant 2000. 146).

To sum up: Arendt’s opinion that the main theme of the §§ 40-41 is co-thinking in a shared world proved to be mostly correct. The importance of these digressions should by no means be underestimated. Still, Arendt failed to draw together the threads of the whole intersubjective world of the third *Critique* and that of her political theory. All she did was to decipher the meaning of a digression. With her extreme sensitivity towards the problem of judgement, Arendt must have noticed that in the third *Critique* Kant regarded thinking as a social activity, which implicated that it can take place only in a shared world, since a divided world denies humans the possibility of co-thinking. Furthermore, her original insensitivity towards the problem of the beautiful also came into play in her reading of Kant’s aesthetics.

Kant on international relations

The idea of the disinterested use of the shared world, especially at a supranational level, is present in Kant’s essays. Arendt is more indebted to the principal idea behind these writings than she actually acknowledges it in her texts. Kant dealt with international relations in Chapter 7 of his *Idea of the Universal History with Cosmopolitan Purpose*. He held that humans cannot yet see the end of their road through history, but he was convinced that progress could be saved by a finely balanced system of self-interests that may prove beneficial on the long run (Kant 1990a. 50-1). In *Toward Perpetual Peace: A Philosophical Project*, he postulated the possessing behaviour as the basic feature of human nature. Therefore, the states composed of humans are a hundredfold prone to this faulty conduct. Still, he was convinced that there existed a way out of an actual interstate relation fraught with “the malevolence of human nature” (AA 8. 355; Kant 1996a. 326). Arendt, having narrowly escaped the horrors of the twentieth century, held a different opinion. In her view the idea of real progress seemed to be hopelessly mistaken.

The prohibition of the use of other people as a means, this deep insight of the Kantian *Groundwork of the Metaphysics of Morals*, remains valid not only in his philosophy of history (Kant 1990b. 225-6), but it is analogously expanded in his political philos-

ophy. A state is and should be as autonomous as an individual, and, as Kant wrote in his *Toward Perpetual Peace*, “to annex it to another state as a graft is to do away with its existence as a moral person into a thing” (AA 8. 344; Kant 1996a. 318). Kant opposed the possessive relationship at the level of international relations while Arendt similarly disagreed with any satellite-type international alliance with Russia or the USA in its centre (Gángó 2009). Seeking the principles of “any rightful constitution”, Kant considered the individuals, the supranational relations, and the inhabited world, respectively as the “individuals within a people”, the “states in relation to one another”, and “citizens of a universal state of mankind” (AA 8. 349; Kant 1996a. 322). Kant’s chief argument concerning the free dwelling of humans on the Earth, the right to visit, is based on the belief in a concept that Arendt would almost two centuries later call ‘the shared world’:

this right, to present oneself for society, belongs to all human beings by virtue of the right of possession in common of the earth’s surface on which, as a sphere, they cannot disperse infinitely but must finally put up with being near one another; but originally no one had more right than another to be on a place on the earth (AA 8. 358; Kant 1996a. 329; see also AA 6. 305–6; Kant 1996b. 450).

However, “commercial states” exhibiting inhospitable behaviour adopt a possessive attitude towards foreign peoples, which “goes to horrifying lengths” (AA 8. 358; Kant 1996a. 329). The developing ways of communication first caused a new sensation amongst, first the people of Europe: “a violation of right on *one* place of the earth is felt in *all*” (AA 8. 360; Kant 1996a. 330). Therefore, Kant worked towards a practical solution for the problem caused by the increasing injustice and the general consciousness of insecurity. The proposed solution had the same aim as Arendt’s project: to transform humans “with their self-seeking inclinations” into good citizens without the requirement of moral perfection (AA 8. 366; Kant 1996a. 335). Although rulers cannot be expected to achieve this goal: “since possession of power unavoidably corrupts the free judgment of reason” (AA 8. 369; Kant 1996a. 338).

To summarize: both of them stood on a rather utopian ground. The fields in which Arendt and Kant, the philosopher of history, worked had corresponding features but Kant’s aims and conclusions were different: he intended to reconcile the malevolent human nature with historical progress of morality on the one hand and with legality in politics on the other. Facing the choice between political prudence and morality, Kant preferred the latter, hoping that it would promote the ultimate goal (that is, legal government and perpetual peace) (AA 8. 378; Kant 1996a. 344). Kant held that the moral principles, for “people within a state as well as states in their relations” should prevail, “regardless of what objections empirical politics may bring against them” (AA 8. 380; Kant 1996a. 346–7). That is the reason why he urged the federation between states as a guarantee of this construction. For Kant, the foundation of the state (i.e., of politics)

is not publicity but legality. This non-appropriative principle by which he meant the prohibition of acquisition, the necessity of federation, and the fair treatment of one's neighbours without being biased by self-interest was the basis of his doctrine, while Arendt subsumed these concepts under the all-embracing notion of disinterestedness. This common utopian ground of morality being reconcilable with prudence on the one hand and disinterestedness on the other is the link between the two theories.

Conclusion

It is a well-known fact that Arendt's reading of Kant's *Critique of the Power of Judgement* is in need of correction and completion; this was the intention of this paper. In the period after modernity, Hannah Arendt was among the first ones to turn to Kant's oeuvre to challenge his views on politics and on human sociability. However, the scope of her interests was in a certain way limited to the political implications of the third *Critique* and to the ever-changing character of the notion of sociability. Later Ronald Beiner broadened this view by correcting Arendt's interpretation in fundamental ways. He emphasized the prudential aspect of judging (Beiner 1982. 104) as well as the fact that the 'enlarged mentality' as the ground for social thinking is the presupposition of any judgement. Ernst Vollrath further complemented the picture, remarking that in politics there was no 'thing in itself' behind the appearance. Furthermore, he added that the power of judgement could be substituted for an action in a negative way; humans endowed with the power of judgement may hinder the emergence of despotic rule. This means that Arendt never ceased to expect and fear the raise of despotic rule in any part of the world, she cautioned to be continuously vigilant. Possessing a sound judgement seemed to be a good protection against falling for political appearance: "Those who possess taste, who are discriminating in things beautiful and ugly, good and bad, will be less likely to be caught off their guard in times of political crisis" (Beiner 1982. 111).

I highlighted the importance of the experience of totalitarianism in the purpose of a better understanding of Arendt's relation to Kant's oeuvre. Arendt considered passivity as sufficient resistance against totalitarian regimes. However, her view exclusively depended on the mature power of judgement on the part of individuals involved in the affair and also mature dictatorship on the other. Arendt, focusing primarily on the political playground (fit for adults with moral judgement), lost sight of the other side of life and did not take into account the possibility of being born into such a regime, therefore having been accustomed to it well before the formation of any judgement. Arendt's perspective was overtly predetermined by the experience of her own generation: a young, morally fit generation in its full power of judgement, suddenly confronted with dictatorship.

Kant and Arendt were both looking for practical ways of human co-habitation but their starting points were widely different. Kant considered first of all the individual, Arendt the community. Kant described the valid ways of judging and the behaviour of the ideal individual, which led to the system of civil rules of smaller communities. For Arendt, the distinguished place of human interaction and political activity was the polity, being, excluding blood ties, open for adults for discussion and decision. The political for Kant was the consequence of human interaction while for Arendt it was the primary condition of it. But Arendt's views met radical challenge presented by dehumanizing totalitarian systems and a new breed of humans: mass men. Despite all this, she never gave up the idea of the polity where humans can find dignity and communication.

In spite of the enormous difference in their personal experiences and starting points, their views concerning the level of international relations are strikingly similar. Both advocate that it should involve independent and free states (similarly to independent individuals), and that these relations should be grounded upon sound judgement, reason, and legality. Kant argued for a federation of states ruled by law, while Arendt warned against the dominance of superpowers.

The deepest similarity between them consists in their view of a shared world. It is this feature and not their common view on politics that rendered Arendt's reading possible. They share a similar vision of the historical road of humanity between progress and decline (Benhabib 1992. 91), and it is ever present in the background of their picture of the *homo politicus*. The main difference between them consists in the fact that for Arendt, this vision is complemented by a theory of public sphere. This public sphere exists at two levels: as the open sphere of the political community, formed by individuals, on the one hand, and as a supranational sphere formed by political communities on the other. For Kant, in harmony with his moral philosophy, it is the doctrine of the *Rechtsstaat* that emerges from this vision. The Arendtian and the Rawlsian theory of the political are equally rooted in Kant's political philosophy, but Arendt's theory springs from the random conditions, historical or anthropological, while Rawls's derives from the latent or not fully developed implications of the critical project. Arendt the storyteller (Hill 1979a. 287ff.) can be compared to Kant the storyteller who, in his essays on the philosophy of history, presented the history of the world as a story. Humans have to use their power of judgement despite their obvious involvement in the actual happenings of history, which hinders them to take a point of observation outside the process of temporal history.

The connection Kant establishes between history and human beings judging history proved inspiring for Arendt. She refines the Kantian model by completing the story with the political chapter. According to her theory, any given constellation of a public space can be understood only with its precedents in time. The politician, like Kant's historian with philosophical insight, cannot occupy a point of view neglecting the burden of historical experience; their judgement should be simultaneously charac-

terized by the consciousness of this experience and by the reflective attitude towards this experience. Kant did not link politics to historicity; according to him political communities are based, within a social contract theory, on the autonomy (freedom) of individuals as an *a priori* principle.³

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³ I wrote this paper as a Simon Visiting Research Fellow of the Institute for Advanced Studies in the Humanities at the University of Edinburgh in 2010. First publication: *Judgement in Politics: Responses to International Insecurity from Hannah Arendt and Immanuel Kant*. *Studia Humana* 1 (2012/2.), 29–39. <http://studiahumana.com/pliki/wydania/Judgement%20in%20Politics.pdf>

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‘Why is Goodness a Destroying Force?’

Morality and Politics in the Political Philosophy of Hannah Arendt

GÁBOR KOVÁCS

*The political philosophy of Hannah Arendt is often charged with the lack of a moral dimension. Some interpreters go further; Arendt's theory of action is stigmatized to be immoral by them because it is devoid of moral constraints inhibiting immoral actions. Arendt's agonistic model of action – they say – doesn't tell apart good and bad in a moral meaning. The interpretation of goodness as a world-demolishing force is one of the most contested topics in the political philosophy of Arendt. It appears in *The Human Condition* when Arendt talks on the personality of Jesus. Goodness here is described as an absolute private phenomenon which must remain outside the public realm because upon entering the world, it inevitably loses its special character. The problem emerges again in a different context in *On revolution*. Here Arendt concludes that goodness, being a worldless phenomenon entering the stage of politics necessarily appears as a devastating natural force. My paper aims at giving an interpretation of this enigmatic statement by the contextualization of it in the framework of Arendt's theory.*

It can be asserted without risking too much that the most controversial topic of Hannah Arendt's well-researched political philosophy is the place of morality in the context of her theory. Her enigmatic position gave grounds to the charge that takes her to be an immoral thinker exiling morality from the field of public realm. Some interpreters pose the question of how a thinker, after having written a voluminous and passionate book about totalitarianism and declaring this political form to be the embodiment of radical evil on Earth, could have been able to put on paper, some years later, that “absolute goodness is hardly any less dangerous than absolute evil” (Arendt 1990. 82) and say that goodness and love become devastating forces upon entering the public realm. One of her most acute critics, Georg Kateb charged her with dangerously on the verge of political immoralism when she purges out moral motives and considerations from her idea of politics. Others, for instance her monographer, Margaret Canovan, said that even though Kateb highlighted existing inconsistencies and deficiencies in the theory of Arendt, he cast his judgment without taking all aspects of her thought into consideration (Canovan 1992. 156).

Taking sides in the debate, however, needs a sketch-like reconstruction of Arendt's political philosophy. Arendt was surely not a system-building thinker; still, the out-

lines of her political ontology were explained in *The Human Condition* (1958), which she viewed as a prolegomena for a would-be political theory. In this book, with the method of phenomenology learnt from her former masters Heidegger and Jaspers, she analyzed the basic human activities, allotting a distinct place to each of them. She has frequently been criticized because of some kind of *spatial essentialism*; special human activities, in her theory, must occur in their relevant places; trespassing of the borders destabilizes the economy of human existence. Such a thing happened, according to Arendt, at the beginning of modernity, when labor, whose only relevant place is the darkness of the private realm, trespassed its borders, entering into the public realm and a new hybrid sphere emerged as a consequence: the social realm which, for Arendt, is the primary public enemy responsible for the catastrophes of the twentieth century, including totalitarianism (Pitkin 1998). The private and the public realms must be strictly separated; the spheres of necessity and freedom must not be intermingled. Greek polis-democracy, the archetype of political community, was based on the rigorous upholding of this principle.

There is a strict hierarchy of basic human activities. It can be visualized in the picture of three concentric circles. The inner circle is the sphere of *labor* sustaining of the metabolism of humanity with nature. It is responsible for the continuous physical reproduction of human race considered as one of the animal species. Labor does not produce lasting, solid things; its products are consummated by the everlasting cycles of metabolism. The agent of labor is the *animal laborans* embodying the bottom, most animal-like stratum of human existence. The allotted place for labor in the Arendtian thought is the private realm.

The middle circle is the terrain of *work* producing the lasting human world of things which is the sheltering home of human beings. The agent of this terrain is the *homo faber*, the ingenious user of instruments, the creator of human artifice from raw materials plucked out from nature by force. Work, concerning its allotted place, is in an intermediary position; its products are frequently the results of an activity performed in solitude, but these products themselves maintain and enrich the common world of things.

The outer circle is allotted to *action*, the most particularly human activity constituting human beings as such who are only able to realize their freedom in action. While labor and work are subjected to the law of necessity, in action freedom opens itself for human beings. As Arendt declares “Men are free [...] as long they act, neither before nor after; for to be free and to act are the same.” (Arendt 1968. 153). Freedom, for Arendt, means neither the chance for choosing between preordained possibilities nor the *liberum arbitrium*, the free will of philosophers. It can only appear in the togetherness of human beings constituting the public realm, the theatre of human action. Human plurality is the condition of action, just as the world being the condition of work and life is the condition of labor. It is one of the basic tenets of Arendt’s political theory

that action and freedom constitute the capacity to create and introduce something entirely new into the world. The result of action is unpredictable; it is some kind of a miracle breaking the predetermined and predictable course of events. Arendt’s theory is centered on communication: action and speech are inseparable. Action without speech ends in violence. Speech-situation, in Arendt’s theory of action, is a relation of peers that takes place through deliberation and persuasion. Equality is a human artifice, the notion of natural inborn human rights, for Arendt, is one of the modernity’s fallacious ideas; equality is meaningless outside the public realm, that is, the political community. Action and politics, in the Arendtian theory, belong together; when you act and speak in the community of equal persons, the political appears in the human world. Arendt’s notion of politics is different from the Weberian conception; politics for her is not a competitive struggle for power reserved for professional politicians but the opposite: it is the action performed by the plurality of peers.

In the space of appearance the actors, seen and heard by each other, reveal their personal identities by actions disclosing the ‘who’ that is different from the biologically and socially given human characteristics, personal abilities, and deficiencies. The main problem of Arendt’s theory of action, investigated in the respect of the moral criteria of action, is that it applies two different models of action, which are opposed to one another (Passerin d’Entrèves 1994. 84). The first is the expressive model, and the other is the communicative model. The main feature of expressive action is its *agonality*; it was the typical action type of Greek polis where the actors, for the disclosure of their excellence, manifested themselves in their deeds. Arendt herself admits “[n]o doubt this conception is highly individualistic, as we would say today. It stresses the urge toward self-disclosure at the expense of other factors [...]” (Arendt 1958. 194). But the stumbling block for interpreters with critical bias is Arendt’s thesis that opposes ordinary, everyday human behavior and expressive-individualistic action, declaring that the latter cannot be judged by the yardstick of ordinary morality applied for assessment of behavior. Motives and consequences in this case are irrelevant:

[...] the innermost meaning of the acted deed and the spoken word [...] must [be] untouched by any eventual outcome, by their consequences for better or worse. Unlike human behavior – which the Greeks, like all civilized people, judged according to «moral standards», taking into account motives and intentions on the one hand and aims and consequences on the other – action can be judged only by the criterion of greatness because it is in its nature to break through the commonly accepted and reach into the extraordinary, where whatever is true in common and everyday life no longer applies because everything that exists is unique and *sui generis*. (Arendt 1958. 205)

Martin Jay, one of her severe critics, asserts that with this thesis, Arendt came dangerously close to the intellectual position of German political existentialism in the

'20s. One of its main tenets was the setting up of a sharp line between the heroic deeds of liberty unconstrained by the conventional moral codes and the philistine, earth-bound life-conduct (Jay 2006. 191–213). It was this conception that paved the way for the Nazi heroism-cult, proving to be one of the components of totalitarian mentality. Another interpreter, Maurizio Passerin d'Entrèves, contrastingly, warns that the correct interpretation of Arendt's theory of action can only be given by taking her communicative model of action into consideration (Passerin d'Entrèves 1994. 84). Arendt is far from being an immoralist thinker; it is undeniable that expressive–individualistic action in itself can lead into the direction of excluding moral criteria altogether, but Arendt's intellectual position is different from that of political existentialism. Her main intention is to find inner moral criteria for action, instead of outer ones supplied by traditional moral codes, whose validity and inhibitive power have been weakening since the beginning of modernity.

This conception is part and parcel of Arendt's philosophy of history undeniably inspired by the interwar German cultural criticism. Arendt, especially in *The Human Condition*, is prone to see the centuries of modernity as *Verfallsgeschichte*, a history of decline; she explains that the trinity of *religion*, *authority* and *tradition* inherited from the Roman antiquity has been weakening, and are being eliminated step by step since the beginning of modernity (Arendt 1968. 128). One of the consequences of this disintegration is that the belief in inherited, traditional moral codes has weakened; they have lost much of their inhibitive power and now are unable to supply the necessary restraints for action. The emergence of totalitarianism, for Arendt, served as a proof for the insufficiency of traditional moral codes to serve as bastions against *radical evil* unknown to that time (Canovan 1992. 160–161). (As it is well known, Arendt's opinion concerning the nature of this evil underwent radical changes: in her *Totalitarianism*-book, it was called radical evil, but in the *Eichmann*-book this term was withdrawn: Arendt wrote on the *banality of evil* there, stirring a hot debate. This question is related to our topic but its detailed analysis falls out of this paper's scope.)

Now, what are Arendt's options? How can action in itself supply inner moral criteria? Agonal-individualistic action, as we have seen it, is unable to achieve such a thing. But, argues Arendt, the communicative type of action is able to provide these criteria. These are the faculties of forgiveness, giving and keeping promises, rooted in action itself:

In so far as morality is more than the sum total of mores, of customs and standards of behavior solidified through tradition and valid on the ground of agreements, both of which change with time, it has no more to support itself than the good will to counter the enormous risks of action by readiness to forgive and to be forgiven, to make promises and to keep them. These moral precepts are the only ones that are not applied to action from outside, from some supposedly higher faculty or from expe-

riences outside action's own reach. They arise, on the contrary, out of the will to live together with others in the mode of acting and speaking, and thus they are like control mechanism built into the very faculty to start new and unending processes. (Arendt 1958. 245–246)

Let us accept provisionally that the faculties of forgiveness and giving and keeping promises are able to supply the necessary inner moral criteria for action. It still does not provide an explanation for Arendt's perplexing idea on the world-destroying potential of goodness, explained in detail in her book entitled *On Revolution* (1963). This concept is, however, the consequence of her spatial essentialism discussed earlier. According to her goodness and the activity inspired by it must remain within the borders of the private realm, because it has a strict personal character. A good act has to be absolute selfless and worldless in character: you do not expect any reward, including your fellow man's gratitude at whom this good act is directed, for it. You have to be unaware of your own goodness, so to speak; if you reflect on it in your mind, it loses its special character. Moreover, you cannot perform a good act in public, because in this case, it is converted into an act of charity with special, expressly ego-centered social motives and aims; for instance, you wish to strengthen your social prestige by performing it. Goodness, in other words, is the phenomenon of absolute morality. The archetype of a good man, for Arendt, is Jesus, the hero of this absolute morality, together with Socrates:

The one activity taught by Jesus in word and deed is the activity of goodness obviously harbors a tendency to hide from being seen or heard. [...] For it is manifest, that the moment a good work becomes known and public, it loses its specific character of goodness, of being done for nothing but goodness' sake. When goodness appears openly, it is no longer goodness [...] Goodness can exist only when it is not perceived, not even by its author; whoever sees himself performing a good work is no longer good, but at best a useful member of society or a dutiful member of a church. [...] Good works, because they must be forgotten instantly, can never become part of the world; they come and go, leaving no trace. They truly are not of this world. (...) Goodness therefore, as a consistent way of life, is not only impossible within the confines of the public realm it is even destructive of it. (Arendt 1958. 74, 77)

The main argument of Arendt for why goodness must be hidden and should not enter the public-political realm is its muteness. It is not the case that goodness does not need words; there is more to it: goodness cannot be shaped into words at all. Goodness is mute. This muteness always includes, latently but inherently, a possibility of violence. Deliberation and persuasion are not among its means; goodness prefers direct

action. For illumination of her concept, Arendt turns to literature. In her book entitled *On Revolution* she refers to Hermann Melville's short novel *Billy Bud* and the story of *The Grand Inquisitor* from Dostoevsky's novel *The Brothers Karamazov* to illustrate the tenet of the inherent dumbness of goodness.

Goodness, Arendt suggests with these parables, exists outside the sphere of communicability. The detailed explication of Arendt's sophisticated, but nevertheless debatable reasoning is beyond the scope of this paper. I am only able to supply here a brief summary of this problem. What holds primary importance for us is Arendt's idea concerning the relations between goodness, compassion and pity. Arendt's starting point is a question: why did the French Revolution of 1789 lost its way running into the horrible scene of Jacobin terror? The main cause, Arendt argues, was that because of the mass misery of *sans culottes*, the social question replaced the original aim, the foundation of the institutions of liberty. The leaders of the revolution, being moved by the goodness inspired by compassion, tried to eliminate misery with political means. But the problem is that compassion, by its nature, can only exist in the private, personal sphere; your compassion arises seeing actual suffering persons face to face. The number is very important here: you cannot feel compassion toward a faceless crowd. What you feel when confronted by crowd-like suffering and misery is the sentiment of pity, which, contrary to compassion, is *generalisable*. We are able to understand a suffering crowd, but the price is the loss of sensitivity to individual suffering. You will even be capable to order the execution of innocent individuals if you are convinced that it promotes the happiness of the faceless crowd.

Conclusion and critique

Both Arendt's strongly critical and lenient interpreters agree that the concept of inner moral criteria of action is one of the most vulnerable spots of her political theory. The main problem is the lack of justice in her approach (Pitkin 2006. 214–236, Dossa 1988. 139, Passerin d'Entrèves 1994. 61). However, promise-keeping or forgiveness as criteria can also exist within a gang of robbers. These are undoubtedly necessary for running a human community; but they seem to be necessary but insufficient criteria to serve as barriers separating immoral actions from moral ones. Arendt's theory of the self-contained character of action, which is one of the basic presuppositions of her theory, takes revenge at this point. Paradoxically insisting on the self-contained character of action and accepting the inner criteria given by her, we are not able to make a clear distinction between the self-revelatory, self-expressive deeds striving for excellence and the misdeeds committed by totalitarian rulers:

But what about the relations among the top Nazis? Between the Roehm purges and the last years did they use violence each other? Did they not use speech and make an audience for each other? – if not public, then not private or social either? Did they not try to shine before each other and excel each other and live beyond they everyday selves, live as performers, or wearers of masks, or as men inspired by a principle like glory? They were a gang; but so may a body of citizens be a gang in relation to the outside. (Kateb 1984. 30)

It is the problem of justice conceptualized in a classical manner by Saint Augustine in his *City of God*:

“Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms? The band itself is made up of men; it is ruled by the authority of a prince, it is knit together by the pact of the confederacy; the booty is divided by the law agreed on. If, by the admittance of abandoned men, this evil increases to such a degree that it holds places, fixes abodes, takes possession of cities, and subdues peoples, it assumes the more plainly the name of a kingdom, because the reality is now manifestly conferred on it, not by the removal of covetousness, but by the addition of impunity. Indeed, that was an apt and true reply which was given to Alexander the Great by a pirate who had been seized. For when that king had asked the man what he meant by keeping hostile possession of the sea, he answered with bold pride, “What thou meanest by seizing the whole earth; but because I do it with a petty ship, I am called a robber, whilst thou who dost it with a great fleet art styled emperor.” (Augustine, *City of God*, IV, 6. 104.)

The cause of this strange blind spot in Arendt’s approach lies in the logics of her political thought. She rigorously insists on the distinction between making and acting; the former is the characteristic of work that has an aim, a *telos*. Its aim is a product, which is its end-result. But action’s aim is itself; it is an atelic activity. Arendt selectively appropriates Aristotle’s theory of action (Willa 1996. 17–41). She borrows the distinction between making and acting, *poiesis* and *praxis*, from him, but she has to refuse the idea that justice is the aim or the *telos* of action because in this case action would have an aim outside itself, in other words, it would cease to be a self-contained activity: it would be transformed into *poiesis*, making, always having an aim outside itself. Action, freedom and politics are the same in the theory of Arendt. She has to insist on the atelic character of action to preserve the autonomy of politics described by her as an activity with strong affinity towards the performing arts. The aim of an artistic performance is the unfolding in the activity of the performance. This is an aestheticized concept of politics, implicating some drawbacks whose investigation is beyond the scope of this paper.

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Dignity of Human Beings – Dignity of Animal Beings

*A Case Study: Bulls as Gladiators**

BÉLA MESTER

A frequented instance of the recent discourse on the animal rights is the topic of bullfights. The aim of my contribution is to offer an analysis of a similar debate on bullfights one hundred years ago, in Budapest. In the beginning of the 20th century several “road shows of Spanish toreros” had been organized in Central Europe, offering an opportunity to meet the new needs of mass entertainment and the idea of animal rights. By my analysis, the argumentation for animal rights in these debates was based on an analogy between the “dignity of the animal beings” and the “dignity of the human beings”, rooted in a naturalised anthropology of the late Continental positivism. At the end of my paper, I will mention a parallelism between this old philosophical background and the new concept of embodied mind.

Introduction: bullfight as a model

An emblematic example of the contemporary discourse on animal rights and animal welfare is the debate on the permission or prohibition of *bullfights*. It manifests a simple situation of the immoral abuse of animals' lives, without any modifying element, such as a strong economic interest in human welfare or the politics of world-nutrition. The question of bullfights seems to be a clear model of a pure ethical problem, in which the practical consequences are insignificant. Seemingly, the single sensitive question is the cultural embeddedness of bullfights in several societies and the resulting possibility of misunderstanding in intercultural discourses on several phenomena. In what follows I rarely touch on the cultural embeddedness of the analysed phenomenon. It is to be noted that before the economic crisis, especially in the '90s, the plan was to organise European road-shows of bullfights as parts of the global mass-entertainment. My analysis is focussed on this globalised form of bullfights, in the mirror of the large discourse on a similar situation, namely the real bullfights in Budapest more than a century ago, in the year of 1904. In the following part of my article I outline the events

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of the early bullfights and their afterlife in cultural memory. Following that, I offer an analysis of the argumentation of the pro-animal movement of the time, and its background in the philosophy as well as other fields of culture of the same epoch. Finally, in the last part of my paper, I draw parallels between the philosophical background of the discourse that surrounded these phenomena one hundred years ago, and a relevant trend of our contemporary philosophical discourse, with regards to their consequences for animal rights.

Budapest corridas in 1904 and their cultural memory

There is a well-known comic scene of the classical genre of ‘Budapest Cabaret,’ with an elderly husband who can see only one escape from the trap of his awful marriage: to apply for the job of a ‘volunteer torero’ of the next ‘Budapest Corrida.’ However, today’s Hungarian audience regards this classic scene as a standard of the ‘comedy of a married couple,’ with grotesque, irrational elements; an elderly downtown citizen in the role of a real torero, the ‘arena of bulls’ as a real place in Budapest. However, originally these elements made the gist of the story. The wife of our ‘volunteer torero’ was a chairperson of a local pro-animal society in the fiction of cabaret, and the first problem of the non-fictional public sphere of the time was the evaluation of the *corridas* as the newest form of mass-entertainment in Budapest. In this period, all the great European cities had guest-toreros and “guest-bulls” for several pilot-corridas. Bullfight, having been a local tradition before, had tried to find its place and role in the new structure of globalized mass-entertainment. The case of Budapest was special in an international context, because in Budapest a permanent ‘arena of bulls’ had been built in a symbolic societal space; in the middle of the City Park, in the centre of the triangle of the Amusement Park, the Hippodrome, and the Budapest Zoo. After establishing this institution at this symbolic place, and successfully acculturating the bullfights into the new mass-entertainment of the city, Budapest was able to become the centre of the (never established) Central European bullfight-industry.

On the surface, the discourse about the bullfights followed the trend of contemporary Hungarian politics. The non-governmental organisations founded especially for touristic and cultural reasons were active in this regard, partially promoting and partially opposing the bullfights, using mainly nationalistic slogans. (Typical topics in the newspapers were the emphasis put on ‘Spanish barbarism’ and the contrast between the bull with a typical Hungarian bull-name and the torero with a typical Spanish name.) In the beginning, the government’s attitude was ambiguous. At first, bullfights were permitted, albeit only in the ‘French style’ (without killing the bull) – with toreros educated in Spanish corridas. Almost every new event in the arena, or even a street scandal, offered an opportunity to change the official rules. Finally, the government

prohibited the bullfights, and the globalized mass-entertainment in Budapest focused on other topics¹. The local press was mostly on the side of prohibition, and took the opportunity to present an analogy between the barbarism of the old animal battles in the eighteenth century and the new project². Twenty years later, the next and last appearance of a Spanish bullfight road show was not in the focus of the public sphere. Corridas were only permitted in suburbs, outside the territory of the local authorities of Budapest, without sensational circumstances. In the press a periodical associated with the pro-animal movements published a significant reflection on the topic³, using the old *clichés* of the barbarism of bullfights and evaluated the new event as insignificant in comparison with the first Budapest bullfights. In the cultural memory of the Hungarian pro-animal movement the debate in 1904 was significant and triumphant, while the present one in the twenties was evaluated only as a boring shadow of the past. The prohibition of animal battles was considered to be an evident thesis, not worthy of a single new or special argument concerning the animal–human relationship.

The stereotype of the “protection of animals in the civilized Budapest,” versus the “barbarism of the bullfighting nations” was rooted in the role of the pro-animal movements in the Hungarian *fin de siècle* society. Written sources on the early history of Central European, and especially Hungarian, animal protection movements have convinced us that it had a double embeddedness, both in the bureaucratic elite of the new institutions of the late nineteenth-century modernization, and in the institutions of the new disciplines of biological studies. The commander of the Budapest Police⁴, a representative of the staff of the Budapest Zoo⁵, and the founder of Hungarian ornithology, Ottó Hermann were all active and distinguished members of the societies for animal protection. As a consequence, these societies were closely connected with governmental practice such as the rules of the local authorities concerning urban animals and animal fairs, circular letters for the schoolteachers of natural history, and so on. Their relationship with the sciences is important in understanding the pro-scientific position of the movement; its criticism of the wrong, non-enlightened traditions of everyday life was based on scientific data. An institutionalized, technologically and scientifically grounded, twofold *utilitarianism* has emerged as the dominant discourse, consisting of the utility of the animals for humanity on its first level, and a calculus of utility concerning the welfare, pleasure and pain of the animals on its second. To be a

¹ For the events and political circumstances of the early Budapest corridas see Vari 2010.

² For the most typical reflections in the local press, see Takáts 1905; Vay 1904.

³ See Gelsei Bíró 1925.

⁴ Boldizsár Bornemissza, chief commander of the Budapest Police was the Honorary President of the Hungarian animal protection movement. His death on the 25th of August, 1905 was in the headlines of the press of the pro-animal movement in Hungary.

⁵ József Kukuljevič, as a representative of the management of the Budapest Zoo, was the chief editor of the central periodical of the Hungarian pro-animal movement.

moral subject in the above mentioned bureaucratic discourse is interpreted as being the subject of law. A paradigmatic consequence of this idea is the aspiration to broaden the Geneva Convention to include the “animal warriors,” especially the horses and dogs employed in the armies. The vocabulary of the movement was rich in metaphors taken from human professions: animals often appeared as workers, employees, or producers of goods in this discourse.

At this point, the need has emerged of a new ground for argumentation. For avoiding the superfluous pain of every living being is enough to regard them as sensitive entities, but a description of animals as beings functioning in quasi-societal roles requires another concept of the animal phenomenon. This concept had been offered by a system of ideas about animal rationality and emotions, and a language devoid of the distinction between the human and animal physiological functions. All the important features of these discourses emerged together in a concise form in 1904 in the debates on Spanish bullfight, the new kind of mass-entertainment in Budapest. While the articles against the bullfights were published in the special periodicals of the pro-animal movement and did not interact with the mainstream discourse which rather used the stereotype of “Spanish barbarism,” still, the actions and opinions of the movement had a significant social effect⁶. At this time, within the pro-animal press, a new idea emerged, based mostly on the known opinions on avoiding the pain of both humans and animals, which took into consideration the *personality or dignity of the bulls*. In a system of ideas that regards the tasks of urban animals as quasi-societal roles, a professional fighting bull is a societal disfunction and a culturally alien phenomena, like that of a *gladiator*. This discourse evaporated with the crisis of World War I, and it has never been reconstructed in its former, complex form. The above mentioned pro-animal article about the bullfights from the '20s remembers the triumph “over the barbarism of bullfights,” but has forgotten the argumentation of the debate.

A new concept of animals

In the following I describe the main elements of this new frame of ideas about animals based on a typical text from the theoretical literature of the Hungarian pro-animal movement of the turn of the century. The first step is to distinguish it from the mainstream utilitarian argumentation of the animal protection movement of the time, mirrored in the other articles of the same periodical: “educated people know that the

⁶ Actually, we cannot speak about a unified organisation. The Hungarian pro-animal movement at this time was highly diversified. Almost every significant town had an independent pro-animal group, typically with the participation of the local intelligentsia, and with the active collaboration of the local teacher of natural history. The national-level organisation was only established in a relatively late period of the movement, and it has functioned as a federation of independent societies.

animals are worthy of good treatment not only because of their utility, but because they are sensitive and *understanding* beings as well⁷.” The thesis of animal reason has an important effect on the concept of human reason as well, and destroys the dichotomy between human and animal mental capacities. There is no strict difference between (animal) *instinct* and (human) *reason*, both being based on the same processes of *taming* and *training*. The structure of the reason of a tamed and trained animal, living in a cultural environment, is similar to that of a human, because the *humans* under cultural conditions *are tamed and trained animals*, formed by their own culture. Both animal and human reasoning are based on the common capacity of *imitation*. The emphasis in both human and animal cases is placed on the role of imitation in establishing societies, concluding in an utterance about the “(animal) capacity of civilisation.” The consequent style of the author, using ‘he,’ or ‘she’ instead of ‘it’ to refer to animals, is a natural consequence of the principles. We can see in the vocabulary and scientific context that this new concept of animals is not a naïve romantic analogue but an element of a new worldview. The article mentioned above had offered a systematized epitome of the most widespread ideas amongst the pro-animal movement⁸. This highly *socialized*, maybe *humanized* concept of animals is the root of the idea of animal rights based on a concept of “animal dignity,” similar to that of humans. This *socialized* animal, e.g. a bull, not only has the rights to avoid pain and suffering, but to avoid participating in humiliating actions (e.g. in bullfights) as well.

A possible philosophical root of the new image of animals

The above described, typical example of the theoretical thinking of the pro-animal movement of the era was not separated from the intellectual life of the epoch. It was not only embedded in sciences but in philosophy as well. My historical example for the connection between pro-animal theory and contemporary mainstream philosophy outlines a characteristic anthropology. It was, however, rooted in *fin de siècle* positivism; its development is not typical. Mainstream Hungarian philosophical thinking, in accordance with the trends of Continental thinking, had departed from positivism, and was more in line with neo-Kantian tendencies, and later, with the different schools

⁷ Reisz 1905. The article is an edited version of a lecture of the author, Irén Reisz, a teacher of natural history, read in the presence of the general assembly of the Animal Protection Society of Baja, a little town on the right bank of the Danube.

⁸ However, at the same time there were other initiatives for the popularization of the idea of animal protection, especially in the field of education; that used the known theories instrumentally. For instance, there are known appeals of the pro-animal movement for teaching the elements of animal rights in the frame of the organized religious education in schools. These appeals have never been rooted in the theological thinking of a Christian pro-animal group of any denomination; they were always the opinions of a laic movement, communicated towards the clergy.

of neo-idealism. The author discussed below demonstrated a reciprocal intellectual development. In the beginning, he focused on topics of neo-Kantianism, like the problem of the category of time, and later, he took up the positivistic point of view during his investigations. He was a consequent critic both of the old-fashioned materialism of Karl Vogt and Ludwig Büchner, and of the contemporary idealism, and his close connection with the new data of experimental psychology made his ideas acceptable in the public opinion of his period, which was mainly based on the sciences. In this chapter of my paper I show that this system of ideas with its anthropological consequences is useful in a pro-animal argumentation, including an explicit argumentation for the parallelism of animal and human reasons and personalities of the era mentioned above. Finally, I show that his anthropology and the above mentioned argumentation of the animal protection movement went hand in hand.

In the following I refer to the texts of a Hungarian author of late positivism, Jenő Posch (1859–1923), a recognised ancestor of international behaviourism⁹. I use these texts as instances offering a good opportunity for the comparison of several elements of his philosophical vocabulary and the vocabulary of his contemporaries in the Hungarian animal protection movement. The first remarkable idea is a systematic anti-metaphysical cleansing of the vocabulary of the theory of mind¹⁰. For him, the use of the words ‘soul’ and ‘mind’ is similar to the use of the word ‘cholera’. The illness called *cholera* is not *caused* by the *black bile* (in Greek: cholē), like in the theory of Hippocrates, but the word is still used as a neutral sign of this illness, without problems of interpretation. Likewise, there is no substantial soul or mind as a separate and pre-existent cause of the mental phenomena, we use these old words only as a neutral sign of a group of special phenomena, called *mental*. The cleansing of the language was expanded to include the vocabulary of the recent materialism of Karl Vogt, whose famous example had been unmasked as an unconscious requisite of the old metaphysical vocabulary. For Vogt, to suppose the existence of the soul is similar to suppose the existence of a ‘spirit of kidneys.’ (Urine is the product of kidneys without a ‘special spirit of kidneys,’ and the thought is the product of the brain without a phenomenon called the ‘mind.’) By the critique of Posch, this Vogtian localisation of the thought in the body is just a requisite of dualism, which upholds the existence of the thought as a separate entity, and not a bodily function¹¹. The insufficient character of Vogtian materi-

⁹ Researches of the first American behaviourists and Posch ran in parallel, although the achievements of Posch were available in the international scene after World War I, with a concise explanation of his ideas in German. See Posch 1923. Posch later became part of the historiographical canon of behaviourism; McGuigan 1978.

¹⁰ The author’s opinions about the critique of language are connected to those of Mauthner. An interpretation of their relationship is the future task of the history of philosophy, especially considering their correspondence.

¹¹ For the topics mentioned see in his masterpiece, passim: Posch 1915.

alism inspired him to call his own system ‘realism,’ as a theoretically more consequent form of old materialisms. The central position of the critique of language, and the aim of his researches, was to offer a new, complex anthropology and keep it in the realm of philosophy, in spite of his close connection to the experimental sciences (his writings were published in periodicals of philosophy.) In the system of Posch, mental phenomena evaporated amongst the events of the (potentially or actually) acting bodies. His system was not based on “thinking bodies” alone, but in a more radical manner, on the identification of thinking with physical acting. In the style of the author, his theses did not include any humiliation of the human being; on the contrary, he expresses them with a kind of pathos characteristic of the Enlightenment. It seems that in these theses he found the answer for the question of his early Kantianism (“what is the human”).

Posch’s ideas had partly been developed in individual articles since the last years of the nineteenth century, and the outlines of the system were finished by 1910; the whole work was published as late as the second year of World War I. Its reception is not separable from the cultural shock of the war period. For the illustration of the cultural plausibility of this new anthropology, I refer to the short stories and novels of a well-known Hungarian writer, Frigyes Karinthy, written in the war- and post-war years¹². Karinthy’s stories in this period are abundant in fantastic elements, connected to the phenomenon of *changeable personalities*; in the simplest form it is the idea of *changeable bodies* under conditions of the newly invented scientific method of *conscious reincarnation*. All the stories have similar, tragic ends, as the main character, who should not be connected to a pseudo-being of ‘soul,’ full of false ideas and theories, misinterprets the concept of identity. In the final scenes it becomes clear that human personal identity can only exist in the human body; failing to respect this fact one of the characters discovers the inability to make love with a *borrowed body* as a simple tool, another can *really feel* his self-identity only on the occasion of his hanging. Paraphrasing Foucault’s thought, we see here scenes where the human bodies try to *escape from the prison of soul*, but it is too late for the human persons to survive.

After this culturally interiorised anthropological turn, Posch explicitly formulated the consequences of his philosophy regarding animals. From the point of view of his system, the integration of a new theory of animals into a radical conception of *acting bodies* can find its place in the interpretation of thinking and the critique of the metaphysical language. In this analysis he judges the differences between the animal and human physiological functions in ordinary languages to be a meaningless requisite of a failed metaphysics, just like the words ‘soul,’ ‘spirit’ and ‘mind’ were in the above mentioned texts. A normative distinction between the *perished animal* and a

¹² These writings of Karinthy have a large interpretative literature in Hungarian humanities; I for now choose, however, disregard the reflections on them. The supposed parallelism between Posch’s philosophy and Karinthy’s fictions is my own hypothesis.

dead human being, an *eating person* and her *devouring pet*, or referring to a human as ‘he,’ or ‘she,’ and to an animal as ‘it,’ are mere linguistic phenomena, rooted in the language-use of the epoch. This pro-animal argumentation was published on the pages of the most influential Hungarian literary review, as a practical conclusion of the summarized philosophical opinions of the author, published in his books and his articles in serious periodicals for scholars¹³. From our present point of view, it appears only as an interesting particularity of the history of philosophy, without any of the above detailed parallelism with the vocabulary of the animal protection movement of the same era. A historiographer, after reconstructing these analogous structures, must observe that the arguments for animal rights on a philosophical basis had unfortunately disappeared in the ’20s of the last century. The cultural plausibility of the above quoted theories evaporated in the darkness of the intellectual history of the interwar Continental Europe.

Epilogue: remarks on a contemporary theory

Every argument for animal rights or welfare – or at least, for the smallest amount of suffering for animals – has an inevitable, either explicit or hidden, anthropological aspect. We can express this question in the concept of the *difference* and *similarity* of the animal and the human personality, the animal and the human *nature*. The history of Western philosophy is abundant in relevant *pro* and *contra* arguments, especially in the field of moral philosophy; both the supposed uniqueness of humankind and the requirement of animal–human brotherhood are fundamentals of widespread systems of moral opinions. The initial topic of my present approach was based on a recent concept of the philosophy of mind called the ‘*embodied mind*’. According to my hypothesis, the opinions in philosophy of mind connected to this term are able to establish an argument for animal rights based on the similarity of the human and the animal body–mind structure, both historically, as detailed above, and synchronically, as follows.

At the end of the last century a new concept emerged simultaneously in the different discourses of epistemology: ‘embodied mind.’ According to the opinions of the most enthusiastic supporters of the theories based on this term, it has the potential to be a fundamental challenge and the turning point of Western thought concerning crucial questions of philosophical anthropology. One of the most influential books of these theories, written by Lakoff and Johnson, formulates the question rhetorically in its initial chapter: “Who Are We?” (Lakoff and Johnson 1999). This text offers a list of the ideas of the European intellectual heritage that their novel theory exceeds. One of the most important utterances concerns the relationship between animals and humans:

¹³ See Posch 1924. For the animal–human relationship, see especially Chapter IV. This posthumous writing can be regarded as his “intellectual last will and testament.”

“The discovery that reason is evolutionary utterly changes our relation to *other animals* and changes our conception of human beings as uniquely rational. Reason is thus not an essence that separates us from other animals; rather, it places us on a continuum with them.” (Lakoff and Johnson 1999. 4.) The emphasis is, of course, on the rejection of the Cartesian dualism. The list of the theses of “the changes of our understanding of reason” is followed by another list of the *failed theories* from Descartes through Kant to Chomsky. However, these are theories of the mind only *prima facie*, on a closer reading it turns out to be a list of the main anthropological opinions of Western philosophy. Based on the first thesis of this list – “there is no Cartesian dualistic person” –, and after the declaration of the human–animal continuum, we presume that the next statement must be the enlargement of the concept of ‘person’ to include animals, or at least, some argument against this enlargement. Later, the authors offer large systematic chapters on “the cognitive science of basic philosophical ideas,” i. e. about morality. Based on the initial promises of the book the reader expects an enlargement of the sphere of the moral beings or subjects to include animals, or at least a reasoning for the exclusion of animals from the moral sphere. Surprisingly, we cannot find any such statement, and after the first pages the reader must say “goodbye to animals” forever.

This *forgetting of animals* is rooted in several structural elements of the early theories of ‘embodied mind.’ In what follows I briefly outline a highly simplified model of a large, vivid and interesting field of recent research. I think it holds true only for the early theories; and only from the point of view of animal protection. In the new theory the words ‘body’ or ‘flesh’ refer to the neural networks and sensitive apparatus, sometimes in almost the same way that ‘brain’ does, instead of the whole of the flesh. A vocabulary built on this special point of view of the ‘body’ can function in a theoretical discourse as a material reduplication of the dualistic theories that are considered old-fashioned. However, the judgements about the things and processes are radically new; the *structure* of this New World is almost the same as that of the old one was. It is true that the body–mind dualism and the separated person as an agent of sensation and action are theoretically denied, but the texts always speak about the new epistemological and moral roles of ‘persons,’ and new concepts and roles of ‘minds.’ It seems to be like old actors in an old play of an old theatre, only with a new director – the tradition will re-organize the old dramaturgic machinery against the will and the new point of view of the new director. The semantic structure of the key words – ‘embodied mind,’ ‘disembodied mind,’ ‘embodiment,’ and ‘disembodiment,’ in French: ‘*incarnation*’ – supports the tendency of this hidden dualistic discourse with the clear theological connotation of the vocabulary. Body–mind dualism is encoded in this vocabulary, despite of the monistic intention of the speaker. Ironically, an argumentation *against* the pre-existent mind and the separation of body and mind should express it by using the terms of the separate, pure mind and body. (Recently, as a member of the editorial board of the *Hungarian Philosophical Review*, I encountered the question as a problem of

translation and the appropriate standardized use of terms like ‘embodiment,’ ‘embodied mind,’ in Hungarian, by different authors¹⁴. Finally, instead of the word by word translation it became ‘bodily mind,’ but the most radical, and clear formulation was the ‘thinking body,’ without a separate mind.) Conclusively, we have seen a great promise for rethinking the relationship between animals and humans within the framework of a recent theory in the philosophy of mind, that proved unfulfilled because of its old vocabulary, and the unconscious use of the terms of this vocabulary. It seems like the philosophers have forgotten the results of the old linguistic turn by the new ‘mentalist’ turn. The case may be that philosophical theories, like a human eye, must always have a blind spot.

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¹⁴ For the problems of terminology see especially Sutyák 2010. note pp. 17–18. It was a special issue of this periodical, entitled “The Body.”

◆ IV ◆

CONTEMPORARY
PHILOSOPHICAL
PERSPECTIVES I.
GENERAL APPROACHES

A Possible Contradiction in Discrediting Morality:

The Queerness of the Argument from Queerness¹

TAMÁS PAÁR

John Mackie argued that objective moral values and principles are queer and that we should not believe in their existence. As opposed to some more simplistic readings, in my paper I offer an interpretation of the argument as one that appeals to parsimony. In this interpretation the argument says that by believing in objective morality we break the principle of parsimony, according to which one should not postulate unnecessarily many and unparalleled kinds and particulars. I argue against this view by pointing out that the rules of reasoning would lead to the same kind of problems Mackie suggests objective morality leads to. In the paper I try to deal with several possible nuances of the argument from queerness and answer important counter-objections.

John Mackie famously argued in his book *Ethics: Inventing Right and Wrong* (1977) that objective morality, especially in its intuitionist account, is too 'queer' to be true. His so-called argument from queerness is an old part of the toolkit of those who want to discredit objective morality, Mackie himself dates it back at least to Hume. Since the publishing of Mackie's book, the term 'queer' has suffered major changes: activists have been campaigning for tolerance towards 'queerness'. Although in a significantly different way, in the present paper I am going to defend queerness and argue that features of morality that Mackie points at as being queer are theoretically tolerable; in fact, morality might not even be as queer as he implies.

In an initial approach to Mackie's argument, Ralph Walker states that it might be an overestimation of Mackie's objection against objective morality to call it an argument (Walker 1993. 71). It might be taken as the 'blank stare' reply to the objectivity of morals that could be simply evaded by another 'blank stare' and an astonished confirmation of the claim: "Well, morality is *just* different." This point brings out a feature of Mackie's argument that might be one of its defects. At least, it seems to imply that we should not believe in quite strange, that is, incomparable or unparalleled kinds of

¹ This paper is an extended version of one of the sections of my talk titled "Possible Contradictions in Discrediting Morality" presented at the conference "Is a Universal Morality Possible? Moral philosophy and the challenges of the postmodern age" in Budapest on 8th June 2014. I would like to thank the organizers and the participants of the conference, and especially Simon Rippon, who introduced me to the argument from queerness and kindly commented on a previous version of the present paper.

things. This might be answered easily by pointing out how a lot of the objects of our knowledge are rather unique. Michael Huemer, for example, provides a long list of these, including time, space, mental states and properties. These entities are hardly comparable to anything else that we are aware of (Huemer 2005: 200).

Convincing although it may seem, this would not answer Mackie's point entirely. If we want to interpret Mackie correctly, I think we should interpret him in the following way, even if he did not explicate himself in the terms used by me. At least in my eye the argument in question is given the most charitable treatment if we see it as appealing to parsimony. It seems to be a rational criterion of any theory that it should not postulate *unnecessarily* many and utterly unintelligible or unparalleled kinds and particulars. Mackie seems to suggest quite implicitly that believing in the objectivity of moral values or principles commits us to giving up the principle of parsimony and is therefore irrational – since the phenomena of morality could be explained without postulating anything too queer to be easily accepted.²

Mackie's argument from queerness is a threefold one – we could even say that it consists of three different, yet analogous arguments. The first one points out the strangeness of the intrinsically motivating nature of the objective moral values. The second one is directed at the mysterious supervenience of the objective moral values upon natural features. The third one's target is the peculiarity of our supposed knowledge about the objective moral realm. (Cf. Mackie 1977: 49.) In the present paper I can only give a fair treatment to the first argument, and I am going to turn to the third one only near the end when this seems to be needed in order to complement my reasoning.

As Mackie notes with regard to the third argument from queerness, the best strategy to counter his challenges is to find companions in guilt (Mackie 1977: 39). Employing a move like that against the argument from the queerness of the objectivity of goodness would amount to showing other kinds of things that can be intrinsically and directly motivating. By using this suggested technique we can come to see that morality is not so special in many respects after all. Showing this is my main aim here. In my opinion, it is many times a useful strategy to compare moral laws and values to epistemic rules and values. By the latter I mean the rules of reason, logic, and the epistemic value of truth and knowledge.

Two examples borrowed from Wittgenstein (1965) might help to shed light on what my views are. One day I see my friend Albert playing tennis and he is not very good at it. I tell him: "You should be playing tennis much better and you should practice much more for this reason." But he replies: "I don't want to get better at tennis, I play tennis just because it is fun and I like it, I don't want to be a professional." We can very well accept his point and say with Wittgenstein: "Ah, then that's all right".

² Therefore, his explanation of our beliefs in objective values is in fact an important supplement to this argument – which, however, I am not going to address in these pages. See, for example, Mackie 1977: 42–46.

Now suppose that your friend Berta behaves obviously immorally. For example, she tells you that she has stolen the wallet of an old person and that is why she is rich enough to own a yacht now. You answer her: "You should not do these kind of things; you should live morally and practice temperateness to get less greedy." Now suppose she answers: "I just do not want to be either moral or temperate. I don't want to be poor!" Would you still say that this is all right?

That is where the Wittgensteinian examples end. Nevertheless, we can construct a further case just like these. Suppose our odd friend Cecil already believes that "All humans are mortal" and "I am a human". Yet, he is reluctant to accept that "Cecil is mortal". We answer him: "You should be rational, you should follow the rules of logic, particularly *modus ponens* and infer that you are mortal, too." But we get this unexpected answer: "I just do not want to be rational or logical."

I suppose we would not answer in the latter two cases in the same way as in the first one. Morality and rationality seem to have the feature that no matter what our desires and volitions are, they remain to be the same and have standards that are independent of our aims. Maybe Cecil is better off this way, he might even be moral. But this is a clear case of abandoning rationality and logic. The same goes for the case of Berta. She is clearly immoral, even if she pursues her happiness and being moral is not among her goals. In both cases, a prescription arises that holds independently of what one wants to do most.

Believing – it seems to me – is a subclass of doing things. It might be much harder to change our epistemic practices (or the standards of our theory-acceptance) than to scratch our head, yet, changing our moral practices is also a longer process – still, both accepting a belief (not to mention inferring!) and doing something moral are deeds themselves.³

Suppose Diogenes accepted the implication of Mackie's claim that it would be irrational to suppose unnecessarily utterly unintelligible and unparalleled kinds, moreover, he would believe that moral values and obligations are just unintelligible. Yet, he would express that he does not want to be rational, so he has absolutely no trouble believing in objective morals. What force would Mackie's argument from queerness have on him? It is either the case that he could be motivated by it or he could not be. If it is the first case and he could be motivated by it, one could say that it is just a lucky coincidence that Diogenes is the kind of being that can be motivated by rational arguments – just like Mackie might say that it is just a coincidence that we can be motivated by morality – yet, he does not accept a good many of them (including Mackie's), since he has an overriding motivation not to do that. Or Diogenes might happen to be a maniac lunatic who is not capable of recognizing the force of sound arguments and cannot be motivated by them at all.

³ This view might be challenged, of course. Those who dismiss it might still accept my conclusions if they maintain at the same time that believing and doing things are similar in the relevant aspects.

Diogenes, Cecil, and Berta seem to be in the same situation. They are or are not capable of being motivated by something (the rationality or the rightness of something) and if they are capable of being motivated by it, they may or may not in fact be motivated by it to some degree; nevertheless, if they are, their other motivations are strong enough to repress their opposing motivations. It seems that the same points hold about them. Yet, these were the points that Mackie found so problematic about objective morality. But morality does not seem to be alone in this trouble. Even the rules of logic cannot be objective, if we take Mackie's argument seriously. What would he reply to this kind of reasoning? In order to get a reply, let us look at the argument more closely.

Throughout his chapter on the argument from queerness Mackie seems to suggest that the motivation that may come from morality must be an overriding one. This is quite a strong assumption and in order to be charitable, I interpret him as saying that this supposed motivation does not have to be overriding. Nevertheless, there must be a motivating force built into goodness, according to him. Anyone acquainted with the objective good would be at least slightly motivated by it. "An objective good – Mackie writes – would be sought by anyone who was acquainted with it, not because of any contingent fact that this person, or every person, is so constituted that he desires this end, but just because the end has to-be-persuadedness somehow built into it. Similarly, if there were objective principles of right and wrong, any wrong (possible) course of action would have not-to-be-doneness somehow built into it." (Mackie 1977. 40) The same could be stated of objective principles of argumentation and logical fallacies. Every correct inference has to-be-acceptedness somehow built into it. Therefore – it seems – portraying this in-builtness as ridiculous cannot make a good argument in itself.

Mackie could answer – as he seems to go on in the text – that the queerness comes from the "automatic" influence of the good *on the will* and not on the reason. Morality sets up goals for you that you are capable of wanting, while rationality does something else, to put it bluntly, it gives you means to ends. (I think that we may even say that morality does not give you an "automatic" motivation, just as we said that it does not provide an overriding one. In a more charitable reading of the dialectic it is enough for Mackie to state that you *can be* directly motivated by objective goodness and that also constitutes weirdness in a Mackian view.)

Let me approach this counter-objection in the following way. It is not a surprise if someone sees Mackie's argument – as Ralph Walker does – as one that is directed at *any* objective rule. To say that morality – as something that influences the will, not the reason – is strange could very well be answered by the symmetrical statement: if rules of logic influenced reason and not the will, it would be similarly strange. The realm of rationality and logic seems to be utterly obscure in this picture; we cannot compare it

to anything else. How could it be the case that the universe includes these incomparable kinds of rules that are objectively prescriptive or normative?⁴

Two points to be noted. First, this shows again that if we interpret Mackie's argument as simply pointing out the feature of something that is utterly different from anything else that we know as problematic, we have a plausible interpretation, yet, it cannot be the whole issue, nor the heart of the issue. Of course, rationality is different from other things. But as I interpret Mackie, he does not want to imply that the rules of rationality and logic are the targets of his argument. This shows that interpreting him as doing nothing else but pointing at the very different nature of objective rules as unacceptable is a wrong interpretation. He must mean that *if* our theory about some phenomena *unnecessarily* postulates kinds that are *incomparable*, then our theory is a bad one and the more parsimonious theories are better ones. If no theories are available that are more parsimonious, then supposing 'odd' kinds does not count as unnecessary – perhaps they should not even be considered queer. Mackie might entertain that we cannot account for the quite obvious rules of rationality in more parsimonious ways than to suppose their objectivity.

The second thing to be noted is that morality is much more closely tied to rationality than Mackie supposes it. If we have accepted that the rules of rationality are objective, we might very well accept that the rules of morality are also objective. I have claimed that we cannot account for the rules of rationality, logic, and inference in any other way but to suppose their objectivity. This is because they seem to be valid, even if no one is acquainted with them or no one is motivated by them. When we grasp them adequately we see that they cannot be otherwise. If someone is not motivated by them, then that person is not acquainted with them properly. If someone is motivated by them slightly, but her other motivations override this particular motivation given by the rules of rationality, then we do not think that it is "all right" or unproblematic to act contrary to them. As I have indicated, rules of morality seem to share these features. This makes it likely that morality has the same roots as rationality, or at least they are interconnected, and if we can give an account of morality this way, the objectivity of morals seems to be saved from the charge of queerness.

Let me turn now briefly to external objects and primary qualities. I think Mackie would accept their objectivity. Although our senses are not rational themselves, it is quite rational from us to accept the existence of things that we know by our senses. Something's shape or mass, as Walker puts it, is such that "any rational being, however differently constituted from us, would apprehend it as square or as having a mass, if he apprehended its nature accurately." (Walker 1993. 71) If we had a sense that was

⁴ Or, as Derek Parfit writes: although "logical truths are not themselves normative, they are closely related to some normative truths. When we know that some argument is valid, and has true premises, we have decisive reasons to accept this argument's conclusion." Parfit 2011.2/2:492

capable of sensing moral qualities and/or rules it would be rational from us to accept that we apprehend them as they are.

Yet, this line of thought counters what I have called the second argument from queerness, that is, the argument that a faculty of moral sense is utterly strange and we do not need to suppose its existence. Simply supposing that we have moral intuitions or a moral sense is just a lame strategy, according to Mackie. (Cf. Mackie 1997. 39)

This argument seems to be the most vulnerable one Mackie puts forward. He admits that companions in this kind of guilt are not hard to find (intuition of numbers, necessity, time, space, etc.) and that he can only state his belief that he can give account of these without relying on any kind of intuition. (Ibid.) Since his time, this task is still to be completed. As far as I know, no one managed to give such a full account that was pursued by Mackie. That makes one comfortable in expressing the contrary belief that such an account is not ever going to be found. Nevertheless, neither my statement, nor Mackie's count as an argument.

To strengthen this point, we should return to the similarity of logical rules and moral rules. How do we know about *modus ponens*, the rule of inference that Cecil was so reluctant to employ? It seems to me that the best answer is that we intuit it. On the face of it, this is an a priori necessary rule that holds in every possible world. Yet, I only have sensations of the actual world. I could only come to know *modus ponens* by the use of my reason. Similarly, the well-known example of moral intuitions, that torturing babies for fun is wrong, seems to be true in every possible world. The best explanation of my awareness of it is to suppose that I acquired it the same way as I know about *modus ponens* (Cf. Huemer 2005. 111-115). Mackie admits that if we supposed that moral intuitions existed, these should perhaps give us forms of argument, too (Mackie 1977. 38). I do not see serious problems in supposing that many of the forms of arguments (both moral and non-moral) that we recognize as valid are provided by rational intuition – the same faculty or capacity that is responsible for our moral judgments.

The upshot of my paper is that the argument from queerness, or, to be more precise, the first and the third arguments from queerness are entirely queer. They seem to ridicule the objective rules of logic and reasoning, and therefore the nature of arguments in general – including themselves – and our knowledge of them.

Nevertheless, there appears to be an important objection to the line of thought presented above.⁵ There are important practices we cannot participate in without intending to follow their rules – rules are constitutive for these practices. Games and actions that can only happen in games are the obvious examples. One presumably cannot play baseball if she does not take *any* interest in following the game's rules. Believing might be considered similar. If one does not have any kind of interest in following the rules

⁵ I owe the following objection to Simon Rippon. Compare this objection to the view expressed in Rawls 1955., especially pages 24–28.

of belief, then one does not believe at all. Cecil, for example, might just recite that “All humans are mortal” and “I am a human” – if he is not interested in following logic, he does not believe these at all.

It might be the case that my whole argument turns on this question. What I suppose is that one may literally believe things, even if one does not follow any rules of believing. Believing, in my eye, is not a practice that one can quit quite easily. Whenever one takes something to be the case or thinks that it holds or is true one believes something. We are able to do the former things without any interest in following logic or handbooks on critical thinking – and therefore, as I understand the concept, we are able to believe things without any intention to follow rules. Rules are out there, nevertheless. Rules of logic are also rules of believing but one can believe things without paying attention to the rules.⁶ Just like if the rules of morality are the rules of how to behave or how to lead our lives – even if one acts obviously immorally, and intentionally so, like Berta, one is still behaving and leading a life. Rules exist and they also classify us: our beliefs as irrational, or our lives as immoral.

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⁶ Furthermore, it seems to be plausible to say that even if someone does not participate in the activity of believing, when one is presented with overwhelming evidence for p, it can be rational for one to believe p and irrational to not believe p – that is, if one still refuses to participate in the activity of believing, one counts as irrational. Therefore rules of belief can apply regardless of one's intention to follow any of them.

Principles or Values?

ZOLTÁN BALÁZS

The paper criticises Derek Parfit's claim that ethical universalism should be defended by finding an overarching principle that unifies the most plausible ideas of Kantianism, consequentialism and contractualism. Such a principle is almost certainly incapable of providing reliable guidance in truly difficult moral dilemmas. Instead, the paper argues for a defense of ethical universalism in terms of values that are themselves universals. Value theory is not without difficulties but it has virtues such as realism, flexibility and universal applicability that make it superior over principle-based ethical theories.

I.

Arguably, the most ambitious undertaking in recent moral philosophy has been Derek Parfit's widely celebrated magnum opus, *On What Matters*. In it, Parfit argues for a universal and realist ethical theory and claims to be able to show that Kantian deontology, rule consequentialism and a version of Thomas Scanlon's contractualism can be integrated into what he calls the "Triple Theory." Characteristically, his conclusion is a concise principle that states the following:

An act is wrong just when such acts are disallowed by some principle that is optimific, uniquely willable, and not reasonably rejectable (I. 413).

Needless to say that the formulations of consequentialism, Kantianism, and contractualism that appear in this combination have been developed by a meticulous and rigorous argumentation, the details of which cannot be recapitulated here. But my purpose is not to argue for a different version of the principle, or for its wrongness. Rather it is, first, to criticize the method Parfit uses for demonstrating that ethics can be universal. My point is that this method presupposes that the core of ethical universalism is a well-designed principle. It is, however, a questionable presumption. But if it is questionable, then an ethical relativism, or a sort of intuitionism or subjectivism seems to threaten ethical universalism. Although some philosophers do not find such a perspective threatening at all, my second, constructive point is that there are other ways to defend ethical universalism. One viable approach is value ethics. This approach takes values to be universals that serve as reasons to justify our decisions and actions. Of course, a host of problems arise once we try to defend ethical universalism with the help of values that are often clashing with one another, are not necessarily

wholly moral, and are often of controversial nature. Value ethics is not superior to principle-based ethics in terms of being able to solve more moral dilemmas, or guaranteeing universal consensus in every situation. It is, however, closer to real, effective solutions, thus having a more solid empirical and moral psychological basis. Further, it is more flexible yet still sufficiently universal in the required sense. However, only the rudiments of such an ethics can be laid out here.

II.

Let me begin with a problem Parfit himself identifies. If Kantianism is right and humanity, or as he calls it, the rational nature, has incommensurable value, or dignity, then the irrevocable damage or total loss of any instance of it is morally bad. But there can be, and unfortunately there are, numerous situations where the moral agent is forced to choose between actions that entail such a loss or such losses. For the sake of simplicity, let me refer to Parfit's own case of the lifeboat, where, by assumption, I am required to make choices between different lives. Simple consequentialism is comfortable with such a choice because its main principle prescribes that I choose the course of action by which more lives can be saved. Of course, all sorts of further refinements are possible and even necessary. For instance, there is a possible argument about the distinct lives having different values, which would make a mere numerical aggregation unacceptable. In other words, saving *A*, rather than *B*, or *A*, rather than *B and C*, could be the right action. Everything depends on what consequences we are prepared to take "into account, which, in turn, depends on what value we attach to individual lives". But if we are ready to accept the equal value of every human being and his or her life, then simple or simplified consequentialism has no problem in making a choice between instances of life.

Kantianism is, however, in a deeper agony, for it cannot approve of any of the available choices since each entails the moral decision to cause the death or serious injury of at least one rational being. As a matter of principle, Kant refuses to measure the worth of any human being, calling it priceless. Parfit believes that Kantians have a way out of this well-known dilemma that amounts to establishing the rules for the situation on the spot, so to speak. Parfit claims that in a situation where we must choose between lives, the only principle that rational beings chose would be the Numbers Principle, that is, to take the action by which more people can be saved. In other words, everyone would agree on this principle, provided that everyone is committed to ethical universalism, grounded in reason.

Parfit thinks that this method is applicable to even more challenging cases. Suppose that in the lifeboat case one of the persons involved is a close relative, a friend, or a close relative of a friend of mine. Clearly, in theory, there is a continuum of various attach-

ments in terms of personal closeness or nearness, beginning with a mere sympathy felt towards a stranger, through compassion we may have toward a weak person (a child, a disabled, an elderly), up to the most personal feelings of love and care. Parfit does not consider these cases one by one. He is content with repeating the former argument about the *local* availability of some *optimific* principle (his terminology). It is, he says

absurd to imagine Romeo or Isolde choosing to let Juliet or Tristan die. If you were Romeo or Isolde, you would not *in fact* make the choice that would save [...] other people. But we often know that people won't in fact do what they have sufficient reasons to do. [...] It might be claimed that, when the stakes are as high as this, we ought rationally to give absolute priority to the well being of those we love. If that were true, there would be no principle applying to such cases that everyone could rationally choose, so there would be no principle that, according to the Kantian Formula, everyone ought to follow. This formula would not require me to save even a million strangers rather than the person whom you love. That is another unacceptable conclusion. [...] As before, the Kantian Formula could be revised by adding some local veil of ignorance (I. 388-89, original italics).

And that's the advice. If there is no unambiguous principle at hand, construct one locally, taking care that everyone's will is respected and all morally relevant consequences are reflected upon. (Parfit, let it be added, thinks no such local veil of ignorance is necessary after all.)

Is this helpful? In the case of total strangers, the outcome would indeed most probably be the Numbers Principle, that is, a rule that is applicable to every similar case. But suppose one of the persons involved is my spouse. The Numbers Principle may now be amended by an Exception Made for Spouses. This is an amendment everyone would, presumably, agree on. However, this is clearly a slippery slope. Allow for one exception and there will come a host of further exceptions, inflating and effectively ruining the principle. For evidently, a moral principle is, by definition, not only a normative rule that applies equally to every similar case, allowing for no exceptions, but it must also be practically applicable. The questions are thus, first: is there a moral principle for which every situation is similar, or equal from a moral point of view? And second: is it realistic in any sense to expect an infinitely refined principle to guide a moral decision and serve as the basis of a local consensus?

We have to make a distinction here. Parfit concludes his book with what we may call a metaprinciple. Remember his formulation: he expounds a *theory* that is about how to construct a *principle*. He does not propose any principle in the strict sense, only an ethical theory about constructing moral principles.

However, his theory rests on three ethical theories that are based on some principles. Kantian moral philosophy, for example, is both about how to construct a princi-

ple (namely, by prescribing universalizability) *and* about a particular principle, namely, respecting every rational being equally.¹ Consequentialism, again, is both about how to construct a principle (namely, by focusing on the consequences) and about a particular principle whose core is the well-being of persons.² Therefore, the Triple Theory is not just about how to construct moral principles but how to construct them *provided* that some more basic principles, for instance, moral facts, have already been accepted. Therefore, Parfit's advice about moral dilemmas such as the lifeboat case or cases is not really helpful. It recommends to the parties to construct their own locally valid principle of moral rightness, but prescribes them to be equally concerned with everyone's dignity, and to be equally concerned with everyone's dignity *and* well-being. In reality, of course, there can be other moral concerns, or, to further complicate matters, non-moral or not-evidently-moral concerns as well. For instance, we can think of a kind of environmentalist ethics that does not favor human beings over anything else. Suppose there is, among human beings a rare animal in the lifeboat. An environmentalist may seriously doubt the objective moral priority of any of the human beings over that animal. And we can imagine other life and death cases that do not bind our imagination to a lifeboat where non-moral (no-evidently-moral) concerns, such as religious devotion or other religious or political commitments, may meaningfully collide with the more obviously moral concerns (e.g. should the banner be put to safety first?). Hence, it seems that Parfit wants to have his cake and eat it too. But in fact he just sets his hopes on the reasonableness of the participants and believes that they always solve the dilemma with the help of either or both moral principles. This is indeed possible but it is hardly probable that the solution or the outcome of the deliberations will be established as a principle. Or if it will, it would most certainly remain debatable from the point of view of reason (and of Kantianism and of consequentialism) and heavily influenced by ad hoc cultural, historical etc. factors. These are what we call conventions. One may then believe that every morally relevant convention (say, that women come first in a rescue attempt) is a local solution to some moral dilemma in the fashion Parfit expects, or in any other morally defensible way, but such a belief is hardly plausible.

Allan Wood in his commentary on Parfit included in the second volume of *On What Matters*, also warns that there are hardly any absolutely pure cases to which a single principle applies. He is a Kantian, and believes in the principle of the supreme dignity of rational nature. Yet he himself allows for cases where one's rational nature and life are in conflict, requiring, for instance, to sacrifice life for integrity. And as a liberal, he inveighs against what he regards as a misapplication of the Kantian respect

¹ Although in a simplified way, we may assert that the Categorical Imperative is about constructing moral principles, whereas the Dignity of Humans/Humanity is the core principle of Kantian ethics. See Korsgaard 1996.

² Whether contractualism (e.g. Thomas Scanlon's ethical theory (Scanlon 2000) that Parfit discusses at length) is in fact sufficiently different from both Kantian and consequentialist ethics to qualify as a third source of ethical reasoning on par with the other two, is, in my view, an open question. But it is not an issue here.

for person, calling “the unexceptionable wrongness of euthanasia, or the right to life of human embryos or fetuses” “most pernicious” and “dreadful superstitions” (II. 68). Well, this is certainly a possible reading of Kantianism and a particular application of the universal principle of respect for persons. However, it is evidently not a universally convincing one. There are incompatible views on who counts as a human being and these views are influenced by various convictions informed by certain beliefs over which a purely Kantian or contractualist moral theory just does not have competence. It is possible, of course, that certain conventions still decide in cases over which moral wars are being *fought* (read Wood’s words again) but such conventions do not live long precisely because they are often nothing more than compromises rather than principles.

The upshot is, therefore, that ethical universalism is not at all straightforwardly defensible by the method of finding the ultimate moral principle, or the theory about constructing such principles.

III.

To sketch an alternative method for defending ethical universalism, let me return to Parfit’s lifeboat example once more and consider it in some more detail.³ As I pointed out, to the persons involved in the case, we may have an extremely wide range of types of relationships. Parfit mentions the Principle of Nearness, though he does not explain it and I think as a principle it cannot work anyway. Although there is a natural scale of kinship-degree, it is often unhelpful in itself. Whom should I rescue first? My spouse? My mother? My son? Again, friendship is generally considered more important than, for instance, business partnership, but how to compare friends or friendships?

And there are even more moral complications in personal relationships. Parfit acknowledges the importance of love and even argues that it is permissible to save one’s own child instead of a stranger, perhaps instead of more than one stranger, because love is objectively important for the goodness of the world. But love is, fortunately or unfortunately, a highly complex attitude and relationship. Love between friends may be different from love between spouses. Or, for example, should I save the person whom I love but who does not love, perhaps even does not know, me or the one with whom love is mutual?

³ There is a debate on the usefulness of highly artificial examples of moral dilemmas in moral philosophy. One should indeed retrain oneself from taking such examples as the ultimate tests of the soundness of a moral theory because they are hardly capable of replicating real dilemmas with their deep embeddedness in their broader environment. However, they, especially those that can indeed happen in the real world, may help moral thinking by urging us to reflect on the way we think and act morally. They are not tests of moral rightness and wrongness, or the validity of a moral theory, but instruments to illuminate the strengths and weaknesses of various moral theories. See O’Connor (2012).

Emotions and sentiments are notoriously difficult to rank. Should sympathy precede compassion or the other way around? Love is indeed a top priority for most of us but professional duty should often come first. A bodyguard should perhaps risk his life to save the president, instead of his friend. Moreover, emotions and feelings belonging to the makeup of our human nature are not restricted to persons or human beings in general. We can cherish an object, pursue a profession, respect an institution, and believe in a cause. Again, recall the less-evidently-moral dilemmas: should the banner be saved first and the soldier second? Should one die for his essential religious beliefs? Contemporary Kantians have widened what seems to have been the original Kantian account of the rational nature of human beings to the point of respecting not rational nature but human integrity. And since feelings, emotions, beliefs, convictions are integral to our lives, human dignity may consist in having or being able to have such things. And as Wood hinted at it, life may be but one of these many things. But then how should we rank them?

Parfit's method suggests itself once again. Alternatively, we could follow the Rawlsian advice and bracket all these things in order to construct a moral principle that avoids the problem of ranking altogether. But as many critics have pointed out, in this way we do not go anywhere. It is impossible to ignore ourselves completely and think as if we were nothing but rational (and relatively self-interested) beings deliberating over some moral principles. And if these principles are based just on the fact that we are all beings who are concerned with almost everything there is in the world, then we may come to appreciate the Kantian *idea* of equal human worth without thinking that it is a *principle*. In other words, along with many contemporary Kantians, we may realise that human worth consists in our being able to value our life, to make a broadly taken moral sense of life. It is a morally relevant fact, yet we may still be at a loss about how to treat a difficult moral situation simply by realising this fact. If, in the lifeboat example, life does not have an absolute priority over other concerns, or it is not 'bare life' that is of absolute priority but a life with some qualities such as honor or, as was said, 'a' life (an instance of Life) that involves an ability to value things, to be concerned with others etc., then we are no longer trying to apply a principle to a moral situation. Rather, we are only aware of the worth of human life in general but are desperately seeking for the relevant features and qualities that help us make morally relevant and justifiable distinctions. And we may become quickly aware of the fact that we cannot rank our priorities in an objective way. We only know that we are loaded with countless preferences, desires, emotions and relationships that make up our lives. All we can do is to record this fact. And we cannot but constantly think of them. Bracketing them and concentrating on our bare selves may perhaps work when setting up a political order but by no means when laying down a principle on which we can rely in every situation.

However, to save ourselves and ethical universalism, or the moral emphasis, as Aurel Kolnai calls it (Kolnai 1977), we may still insist that any moral decision and action

needs some kind of justification which, by definition, must be more than just referring to intuition, feeling, or that *sic volo, sic iubeo*. Justifying an action requires a reason that is potentially available and accessible to every person involved. But there is no further requirement for treating every person equally or for being concerned with everyone's well-being equally. In a morally dubious or controversial situation, like the lifeboat case, the morally relevant and universally valid reasons for different actions will likely be certain *values*.

Values are, or at least they function, not as facts but entities, more precisely, universals or their instances that share a peculiar property, namely, that they are intrinsically good. In plain words, a value is something that is good to have or something about we think that it is good that it exists. This is why and how values can serve as reasons: they are available and accessible to everyone just because they are universals.

Suppose, for instance, that I want to save the life of my child rather than that of a stranger. Parfit himself refers to love in this case, as it has already been cited, and argues that consequentialism may justify this decision because even from an impartial point of view, the world is morally better off if it contains strong love relationships. It is highly unlikely, however, that I or anyone else wishes to justify such a decision by such a principle. Love is just important and I can count on others' moral appreciation of this value. Human life is also important and considered generally a value. If I can save the lives of others, my reason may not be an impartial principle that everyone should accept, but simply heroism, glory, love, loyalty, atonement, or some other great value that I find especially commanding.

Not all values are necessarily or particularly moral in the strict sense of the word. Goodness, as a top value, is surely moral in some basic sense, although goodness and value are concepts that are probably not identical or reducible to one another without some remainder. Pain, for instance, is hardly a value yet it can be good in an instrumental sense, hence even if it is not good intrinsically, it does bear some goodness. But such axiological difficulties belong to a different discussion. The point is only to realise that some values are more conspicuously moral whereas others have a looser relationship to morality. Justice is a fundamental moral value, eloquence is hardly so. Therefore, if we want to have a viable method of defending universalism in morality based on value thinking, we must presume that people are generally capable of making and appreciating such differences. The examples of values listed in the preceding paragraph are all appreciable in our case as morally relevant. If I am willing to save the life of another person, say, of a woman because I want to enjoy her beauty in the future, I may still do what would be right to do but I could hardly count on others' unconditional support of the value of beauty as a morally right value in that case.

By making the distinction between morally relevant and morally irrelevant (or less relevant) values that are acceptable for purposes of moral agreement among the involved persons, we have indeed made a huge step towards a solution of a dilemma

or disagreement that is potentially universalisable yet not in the way principles are universal (not by definition). For Parfit is of course right in supposing that morality, or the ethical point of view, does carry an inherent universal demand. If only a local agreement is required and envisioned, then it is still an agreement that is at least potentially open to all the reasons (based on values) of every participant.

It is of course easier to make a (note: not necessarily 'the') right moral decision if a general consensus emerges about the ranking of values in a given case. But there is no absolute guarantee for this to happen. Even if only the morally relevant values are taken into account, they may still be more numerous than what the solution of the problem would demand. As Carl Schmitt argued, there is a threatening conflict between values being asserted, declared, and perhaps imposed upon others. Values become nothing more but words behind which pure force hides (Schmitt 1996).

Let us thus revise the case step by step. As it was hinted at, in emergency situations we usually think that children, women, elderly and disabled people should be rescued first. What is the reason behind this? Again, we may try to defend it by help of a principle that will probably be a consequentialist type. The assumption could be that society is better off if the weak have extra chances at the expense of the strong. But this reason is rather dubious. Who should or is capable of making such a very general and very obscure judgment about when and how society is better off? Worse, consequentialism could approve of the opposite ranking as well. Indeed, in societies where the survival of the community depends on the survival of adult men, it is they, rather than the weak, who ought to be saved first. The outcome is similar in wars: soldiers have precedence over civilians. Even in cases that seem to be governed by well-established norms, they are sometimes quite difficult to defend and justify by using Kantian, consequentialist, or a combined theory of ethics. (Kantians would especially have a hard time in justifying this norm.)

If it is not some general, universal principle, it may still be, as it had been argued, a mere convention. But conventions are often formed and influenced by ad hoc cultural, historical etc. factors that are not necessarily morally right. For instance, we are inclined to think that saving the rich first, at the expense of the poor, for no other reason but wealth and money, would be a morally reprehensible convention.

Thus, instead of seeking for an all-encompassing principle while preserving the need to justify moral decisions and actions, and being attentive to the potentially immoral reasons behind a convention, we might look for some morally relevant values (the universal component) but with full awareness of the particular circumstances surrounding the situation (the local component). In a war, the just cause, say, the value of freedom, may justify many decisions. In a small society where survival is a matter of everyday physical struggle with nature, the value of collective, meaningful life justifies the decision that adult men ought to be saved first. On the board of the highly civilised, luxurious Titanic, compassion, chivalry, perhaps mere politeness, may be the relevant

values. Thus, the locally valid and right moral decision is to follow the command of these values. This is often put in terms of duties ('it is your duty to let women be rescued first – that is, your duty as a man') but such duties are different from the Kantian universal moral duty. Yet they are genuine duties inasmuch as they refer to a universal content, a value (probably 'chivalry') that requires submission qua a particular feature or quality one happens to possess which is also an instance of a universal (such as 'being a man').

The objection that such features or qualities may be immoral reasons needs to be dealt with. 'Being rich' is not a quality that we would consider an acceptable reason for being rescued first. But note that our judgment is not that this quality is immoral as such. It can be morally relevant and connected to a genuine value such as generosity. Richness may be said to oblige one to be generous. Here again duty arises from a link that ties together a particular feature of the agent that is an instance of a universal and a value. In certain situations, generosity creates a duty for a rich person to do this or that. In a different situation, that is, on board of a sinking ship, this link cannot be actualised. Thus, in morally difficult situations, one should try to find such links through which the relevant moral values may appear.

Typically, however, in real moral dilemmas there is more than one such value. They can support one another but they may also be in conflict and that conflict can be an internal one. It is not always people arguing with one another that causes a problem, rather, persons may feel themselves being torn apart by opposing values. It must be acknowledged therefore that thinking in terms of values does not *solve* Parfitian or deeply tragic dilemmas. But the point is not to find a way of solving such dilemmas, for that kind of concern forces us to look for an ultimate principle of, say, how to rank values. Rather, we should and can discover, reveal, respect and cherish particular values that seem to be capable of contributing to an ethical framework in which may emerge a fairly general actual consensus among those involved in a given case. Lifeboat cases and the moral decisions and actions they elicit may differ greatly according to who are involved, when, why, and how. Ethical universalism does not require a single solution, derived from an overarching principle. Seeking for such principles in vain may cause increasing frustration and disappointment that may result in nihilism or outright immoralism. But if we relinquish such attempts, then it is still possible to preserve the universal moral demand, namely, the requirement that decisions and actions be justified by some universal reasons, available, accessible, but at least intelligible to people who make different decisions and take different actions. Although my constructive argument above was sketchy, I hope I could at least make the idea plausible that values are not just a rich treasury of such reasons but are, from a practical and empirical point of view, closer to our actual, everyday moral thinking than abstract principles and hence serve as a strong alternative conception to the Triple Theory.

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The Aporia of Morality and Law in Democratic States

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The article uses Leon Petrażycki's distinction between moral obligations (having a simple imperative form and perceived by individuals as totally free) and legal obligations (having two-dimensional, imperative-attributive form) to argue that in the history of democracy we can observe the tendency to integrate moral and legal aspects of the democratic ideal by giving priority to the latter. In effect, we face the consequences of replacing moral attitudes with legal ones (a process that is named here 'Plato's paradox'), and this is pernicious for democracy. To restore a positive tension between morality and law within democratic societies, a greater attention should be paid to the discourse of ethics, but first of all, the incentives necessary to encourage individuals to develop the moral reasoning must be introduced.

There are issues we have been discussing for ages and yet we cannot say we have done enough to understand them. The longer the debate, the less the hope is for any conclusion, as if their importance was to a large extent proportional to the disagreements they provoke. Such is the issue of the relationship between morality and law. We usually agree that both are crucial regulators of human social behaviours and thus acknowledge that they deserve a profound examination, but that is the only thing we tend to agree upon. The rest is a matter of formulating strict or nuanced definitions, multiplying distinctions, and drawing or denying interdependencies between the two. As Maria Ossowska has said,

Hundreds of pages have already been written about the difference between legal and moral norms. Some authors have seen the difference in their external form, others in their content, some in their origin, others in the circumstances under which they are binding, or in sanctions applied to those who did not conform themselves to their commands. (Ossowska 1960).

For many philosophers and scholars, law and morality should be separated¹. For others morality should be the basis for law, as it grants the latter the quality of being just². There are thinkers for whom moral norms are objective (Shafer-Landau 2003).

¹ As it is the case for the legal positivism, but also was the case for sophists or thinkers such as Marsilius of Padua.

² Or even the law itself, like the natural law theorists claim.

For others, they are merely social constructs or the product of biological evolution (Wilson 1993). Some are inclined to value morality more for its implicit universality. Others prefer law to morality, if not for other reasons then at least for its efficacy in compelling obedience.

This article does not pretend to have invented a perfect solution for the morality–law problem. Instead, it will highlight just one of several aporias embedded in the discourse on morality and law. This aporia is particularly important for democratic states and for the future of democracy itself.

The core of the aporia could be called ‘Plato’s paradox’. Plato drafted two political projects, one of the perfect Kallipolis (the beautiful city) and one of the *polis* which is called ‘the second best’. The first is described with the language of morality. In the ideal state visualized in *The Republic* every citizen would be guided by the virtue ascribed to his social function and thus, we would get a perfect community ruled by philosophers. The wisdom of its rulers would guarantee the triumph of morality over law. However, with time, Plato got dissatisfied. The experiment with Dionysius of Syracuse failed, his favourite apprentice Aristotle abandoned him, and he himself, the first and apparently the last true sage, was getting older. His language changed. Since his ideal could not attract others to follow it on a moral basis, Plato decided to write down every detail of it and to promote it as the *Laws*. That is the paradox: to begin with the moral and to end up with the legal, hoping that the change of means does not influence the essential moral provenience of the whole undertaking.

And indeed, from a certain perspective such a move into the legal can be viewed as progress. Law, if derived from an ethical vision of good order, allows us to articulate its values and to ensure their realisation by formulating prescriptions for right action and sanctions for not following such prescriptions. Even if citizens are not able to strive consciously towards the good, the true, and the beautiful, one may still expect them to do good so as not to be punished. And with time, as good actions will be constantly repeated with the same good outcomes, the citizens will have internalized norms of behavior, thus making the threat of punishment unnecessary. In this way, the door to morality will open again, inviting everybody to pass the threshold that divides legal conduct from moral character, for, as Aristotle, in accordance with behavioral psychology of learning, states, character and virtue come from repetition (Aristotle, *Nicomachean Ethics*, 1103b20).

The above reasoning has only one flaw. The process it describes does not work as simply as the description suggests. Even if the legal order we create is in accordance with the moral ideal we believe in³, it is wrong to assume that such order always works toward the realization of the moral ideal. So, instead of this assumption, the proposi-

³ This is the case being examined here. Situations in which there is an open conflict between law and morality are not discussed.

tion is asserted that morality and law work best in societies that engender an important tension between these two elements. It is not enough to sow the seeds of community into a moral soil and then take care of its development with legal means only, thereby only relying on the quality of the soil to support the new legislation. Unfortunately, every soil impoverishes if it is not fertilised, and then the crop deteriorates. In an analogous manner, a society that forgets to cultivate its values as moral ideals fails in sustaining them. And it will fail even if it is supported by laws that are considered 'good laws' because they are rooted in morality. Moreover, if the proposition is correct then the Plato's paradox will remain a paradox. No matter how faithful a society might be to its moral ideals while constructing a legal order, expanding legality can cause its own morality to evaporate.

The thesis of this paper is that Plato's paradox can be traced throughout European history. In brief: Europe started the project of democracy as a certain moral ideal, yet in time it has become more and more legalized⁴. Slowly, we have been exchanging morality for law⁵. As we move further in this direction we are losing the moral aspects of democracy, and thus losing also the ability to defend it as something good. To support this thesis I explain first the difference between morality and law that I find seminal to an understanding of the nature of the paradox in question. Then I briefly discuss a few aspects of the aporia of morality and law that can be observed in modern democracies.

The difference between water and champagne

We all distinguish morality from law, but usually we do it intuitively, without putting much effort in defining either term. And so far this article referred to such intuitive judgements. Now it is time to be more precise. Scholars cannot afford inaccuracy or confusion, so they need definitions to establish reliable criteria for making distinctions.

The difference between morality and law that I want to underline is best laid out by the legal realists. They argue that law and morality are in the first place norms that channel our behaviour. For them, the most important question is not what differentiates a legal norm from a moral one, whether it is its form, content, source, or sanctions, but how these norms actually work in human life. To determine whether a given norm is moral or legal, it is not enough to ponder on the norm itself according to a pre-established criteria of moral and legal. Instead, the legal realists take as their start-

⁴ Turning the ideal into a legal concept; in other words: legislating it.

⁵ Voices that the contemporary Western societies lack morality (if we think 'moral' in a wide sense, as a human drive to live a good life) were particularly loud in the second half of the 20th century, and they came from many intellectuals, distant in their sympathies and affiliations: the Frankfurt school, different branches of existentialists, neo-Thomists, postmodernists, and others.

ing point an individual consciousness and then examine the processes, motivations, reasonings, emotions, and so on, that are activated under the influence of a particular norm. Only after such an examination are we able to decide whether the whole normative behaviour is to be named moral or legal. Here, the line of demarcation between the two is drawn on a deeper level, the level that connects theoretical statements on law and morality with mechanisms responsible for human conduct. This means that we also need to include psychology to explain how morality and law works in individual cases, and sociology together with cultural anthropology, in order to consider the impact of the two on particular groups, including political communities. Such a detailed analysis, however, would be too extended. Fortunately, we have the theory of a Polish legal philosopher, Leon Petrażycki, to lead us, like Ariadne's thread, through this interdisciplinary maze.

Petrażycki states that both law and morality belong to the kingdom of norms, defined as principles that guide our behaviour. According to him, they can be viewed as two repositories, one moral, one legal, in which particular recipes for actions are stored. Usually scholars confine themselves to examining the content of these repositories, stressing the fact that they are *recipes*. But Petrażycki takes a different perspective, stressing that norms are first of all recipes for *actions*. He defines morality as norms which 'establish obligations free in respect to others'. That is, 'they prescribe certain conduct for us but give others no claim or rights of any kind to fulfillment by us' (Petrażycki 1955. 46). Legal norms, on the other hand, make our obligations secure on behalf of others. Here 'that to which some are bound is due to others as something authoritatively granted to them' (ibid. 47.).

To explain further, for Petrażycki, moral norms are one-sided. They have a simple imperative form: I feel obliged to do something. Legal norms, on the other hand, are double-sided. The term Petrażycki uses is imperative-attributive or binding-exigent, that is, what I am obliged to do is expected to be done as a right of someone else so that if I do not do it the other can expect that I shall be punished.

Let us assume, for instance, that I encounter a beggar. If I give him some money, I do it on a moral basis. The beggar has no right to receive my money. He can try to increase the probability that a moral obligation will awaken in me, but he cannot foresee my behaviour nor the amount of my donation, should I make one. The deed would be wholly mine, and performing it I would perhaps receive positive feedback and one more reason to call myself a good⁶ person. Conversely, there exist situations in which giving money to someone else is a legal obligation. As an employer I have to pay

⁶ This self-assessment may in fact be invalid but that does not change the conclusion. Petrażycki's theory is not objectivist in this respect, as it is interested in explaining motivation (either moral or legal) that awakes in an individual. It does not make judgements on intentions (perhaps in helping my beggar I try to escape remorse for refusing a church donation the other day) or effects of the action (may be that the beggar spends money on drugs).

a salary to my employees. They do not have to ask me to do it; my obligation is their right, and they have concrete means to exert it. I may not like paying my employees (especially when my company faces a crisis). I may let out a sigh while transferring the money to them. Still, no one can question my conduct as long as I pay.

It is worth noticing that in both cases the action may look the same externally. Even their effects may be the same, as each time my money goes to someone else. Still, my experience and the whole relationship is different. If we went beyond one situation and constructed two worlds, one based only on moral behaviours and the other on strictly legal ones, they would work completely differently. Also, they would require different political management. Such extremes, however, could not endure. We deal with realities in which morality and law percolate each other.

To understand all the implications of Petrażycki's outlook, we must renounce many popular conceptions. We tend to expect that legal actions require written laws, signed agreements, or, at least, articulated rules on which people rationally agree. Morality, on the contrary, we associate with 'being good', fulfilling standards ascribed to identities and social roles we play (a good Christian, a good father, a good colleague, eg.). Petrażycki maintains that there exists continuity between all types of intercourse. Every relationship needs these types of normative behaviours of both kinds. It is only the proportion of moral and legal acts that changes, often without changing the underlying form of the intercourse. This assumption calls into question the commonly-held belief that family ties, friendship, or religion, are issues mainly of morality. From Petrażycki's point of view it is not necessarily so. Believing in God, for instance, I can view my actions as due to Him, but this makes my conduct motivated only by legality. Another example: when I change my plans for the evening because a friend asks me to visit her, my motivation can be both moral and legal. Maybe I value my friendship so much that giving up other occupations is easy for me, as that is the way I am (moral). But maybe I simply remember that she did the same for me once, and not visiting her would violate her right to expect the same behaviour from me (legal).

For Petrażycki, even the most intimate relationships must include many legal norms. Indeed, any relationship and any community can function only as long as we grant the other side, be it a spouse, a friend, the Church, the state, the right to demand certain conduct from us and to accept punishments for violating their rights. That is why Petrażycki compares law to water. There is no life without it.

Nevertheless, if law is water, morality for him is champagne. Eliminating it, we would lose something very important and enjoyable: the individual impulse, the motivation to do more than is expected by others, and to do it only because an individual wants to do it. Without morality, as here defined, no development of any relationship is possible, no novelty, no gratitude can appear. Relationships simply freeze in habitual patterns and rituals. It is not difficult to agree that the lack of moral attitude is harmful for family relations or friendships. There is no reason to believe that this is not true

also in the world of politics in the broad sense, our relationships coming from our being *zoa politica*.

Data confirms that the difference between morality and law as it was grasped by Petrażycki is more than a mere pretence to theoretical originality. Examining human moral development, psychologists point out that individuals differ in their responses to ethical problems. Lawrence Kohlberg suggested that we can identify several stages of moral development, the two highest of which are analogical to the difference between legal actions and moral actions⁷. To justify the former, individuals look for a norm, a rule that would be obligatory for every person making choices under the same circumstances, and they perceive such a rule as an external expectation (of the society, of the other person involved, etc.). The superior to this legal reasoning is moral reasoning, when a person performs more autonomous actions, interprets events in a detailed fashion to expose their uniqueness, and concentrates upon values to be realised rather than rules to be fulfilled. Of course there are dilemmas that favour either legal or moral thinking, but the most interesting cases are ones in which a choice between the two can be made. And it turns out, for instance, that the more accessible the possible legal norm is, the more we tend to obey it at any cost and without moral consideration⁸.

Other data convergent with the aporia of the moral and legal as sketched by Petrażycki come from sociologists. As they point out, different social groups strengthen either the moral or the legal consciousness of their members. Cultural anthropologists add that differences in consciousness⁹ or mentality have some cultural background so that the inclination to give priority to morality or law varies in different societies. According to many researchers, Polish society is morally-biased. That is, the Polish culture has always promoted moral consciousness at the expense of legal one – quite an interesting issue in itself (Boski 2012).

Let us return to Petrażycki's comparison of law and morality with water and champagne. What the analogy wants to say first of all is that moral actions cost an individual much more than legal ones. And the price, together with the high quality of champagne, makes us drink it for reasons other than just getting drunk. Moral actions can not always be equated with behaviours we call rational. It is hardly possible to rationally explain why people who value life sometimes feel obliged to give their lives

⁷ It has to be added that the theory of Kohlberg raised a great debate among many psychologists who experimentally tested the idea, questioning some of his hypotheses. However, the critique is concentrated upon issues that are secondary here and their questionability does not overthrow the core of the concept (Kohlberg et al. 1983).

⁸ The problem is of course much more complicated than this as there are many factors that modify our legal and moral impulses. However, the striking legality of actions (in Petrażycki's sense) under circumstances that should rather encourage moral reasoning, remains a fact. It is enough to invoke Milgram's famous experiments during which people could not resist inflicting physical pain (electric shocks) on others only because some authority (experimenter) told them to do so.

⁹ The concept is not only being used for empirical purposes; see: Habermas 1990.

away. Still, it must be remembered that every metaphor has its dangers – there exist well-justified reservations in comparing morality to alcohol – so we have to remember that they are not to be taken literally. Analogies help us understand phenomena which are so multidimensional that they require a poetic rather than an analytical approach. All great philosophers, following the example of Socrates¹⁰, know that the discourse on morality must be such. What does Petrażycki's analogy enable us to see when we use it as a prism to look at political communities, particularly at democratic states?

First of all, we are supplied with Petrażycki's water, the great number of the rules of law among crucial democratic principles. Democracy encourages citizens to act legally, which requires, first of all, to recognize others' rights and learning appropriate patterns of actions. We know how to behave in offices, in schools, in shops, how to run our business, or how to get a driving license. All of that we do mainly legally,¹¹ and thanks to legality our social relationships are for the most part predictable and, thus, safe. However, from time to time, in big ways and small ways, we act under the influence of champagne. It is possible in Petrażycki's terms that an action, like donating a kidney to someone, would be perceived by the donor as legal,¹² but in most cases it requires moral sensibility. I can buy apples in a shop only on a legal basis, specifying my request and paying a proper price. But often I complicate my conduct with additional moral behaviours. I feel obliged to smile at the shop-assistant, for instance, or I reach for apples myself so as not to trouble her. Such action is my interpretation of being human in this particular situation. I could do yet more for the same moral reasons. I could chat a bit, tell a joke, or even help the shop-assistant deal with a new delivery. That is how bubbles of the moral champagne work: they make moral actions understandable for others who share the same values, and yet, at the same time, they make them unpredictable. There is always an element of surprise attached to moral actions. And since they are one-sided and free, it is no wonder that we connect them directly to a person's character. It takes a 'good' teacher to be available for students during his leisure time, just as the 'good' doctor is probably she who has gentle bedside manners.

The question arises, whether morality – champagne – is always advantageous for democracy. In my opinion the simplest answer is no. Too much morality, if we agree to follow Petrażycki's understanding of it, can bring chaos into the public sphere. The more so that with time it can strengthen bonds between individuals engaged in a mor-

¹⁰ The fact that Socrates did not try to define 'the good' precisely but referred to metaphors is underlined by (Gadamer 1991).

¹¹ The problem of illegal or immoral actions is not of interest here.

¹² A mother can assume that her child is entitled to receive her kidney (for instance, according to the norm claiming 'parents should do everything for their children'). There is mainly a legal choice in that case: to obey the rule or to disobey and suffer punishment (maybe an irrational one – 'they'll all take me for a bad mother' – but still quite real psychologically).

al exchange so much that a source of alternative¹³ legal obligations arises. For instance, a box of chocolate I received from a student whom I had helped with his dissertation could indeed be no more than a sign of his appraisal of my morality. A moral action is always a personal choice within an interpersonal relationship, and that is how it should be evaluated. The problem starts when other students observe and contemplate this idea and then, as a result, I obtain more boxes of sweets. Such actions demonstrate how individual choices (each person motivated by a type of moral incentive) can aggregate. Furthermore, I might get used to receiving chocolates and, without even noticing it, I could consider this expression of their moral behaviours as my right while at the same time my next students might come to believe it is my preference. This same type of corruption can also spread across an entire society – and just as easily. Contradicting it is difficult because from an individual point of view the behaviour we call corrupted can still be a normative behaviour, that is, an obligation that can be subjectively justified. One can either point out its intended moral motivation (the thinking that, for example, ‘as a friend I need to help a friend in need so I will hire her even if others have a better curriculum vitae’) or appeal to unwritten but assumed common legal reasoning (‘everybody bribes, so it is a part of the game’). This tendency of excess morality towards corruption is why democratic societies have more trust in laws that are written, or at least articulated, and are as common as water. Yet too much legality results in Plato’s paradox. An inherent danger is inevitable when moral norms are converted to legal ones as a society constructs its social and political relationships. Although each society benefits via a more stable and crystallized structure, they also lose vital parts of their socio-political process that had previously fostered the rights of individuals as free moral agents. There is no easy way out of this moral-legal dilemma.

The contemporary scene of Plato’s paradox

Beyond doubt, the supreme value of liberal democracy is liberty. In the long tradition of European political thought, the discourse on liberty has always been one of its main tenets. Philosophers and politicians examining freedom have imbued the concept with so many meanings that the word seems to be applicable to almost every phenomenon that appears within a society. The ongoing discussion on liberty, its content, possible boundaries, its quantity and quality, is an important aspect of democracy, the political system that is proud to have freedom as its lifeblood.

Another issue facing democracies is how to translate a broadly defined liberty into the language of everyday actions, to make sure that citizens build a social reality according to rules that sustain or enhance whatever we believe a free society to be. To

¹³ That is: functioning independently of the democratic legal order.

achieve that, we need to activate mechanisms responsible for normative behaviour rooted in the principle of liberty. Following Petrażycki, we can choose between activating either moral or legal motivations here.

To use any concept of freedom as material to model moral actions on is at first glance contradictory when we try to do it with respect to Petrażycki's definitions. The unilateral, imperative form he attributes to morality means that freedom here is something like 'I feel obliged to be free – no matter what others say'. The obligation must be perceived as free (because of the single imperative form of a moral norm) and the subsequent action must be a realization of freedom (no matter how we define it). There is nothing suspicious here so far. However, we encounter many difficulties in establishing criteria that would allow the individual to check whether his conduct is free in this double sense (being both moral and the realization of freedom). The only criterion that does not require further explanation is a dissimilarity of my action to any action that others would prescribe for me. The simplest case is a situation in which I do the opposite of what others say. This extreme position would actually make my personal freedom questionable. Acting contrarily cannot be a norm to preserve my freedom. If others knew that my freedom sprang from a rule as simple as that then they would be able to annihilate it quite easily by using reverse psychology – by simply advising an action they do not want me to perform. Only when others are truly against my freedom can the choice of simple reactance be confirmed as my moral choice. In other situations, the reassurance that my actions are free and moral must be found elsewhere. Petrażycki's concept of morality gives a hint as to where that place exists. Because a moral relationship is first of all a relationship between me and myself, one must, as Socrates taught, know oneself. According to him, to act freely I must recognize myself as a free man. And to do this I have to be aware of the elements that make up the character (personality or nature) of a free man. Such a conclusion makes it possible to see an important correspondence between Petrażycki's understanding of moral behaviours and concepts labeled as examples of the so-called 'ethics of virtue' (Hursthouse 1999), because they insist on rooting moral actions within one's character. Also, they refuse to call moral actions motivated only by a general sense of duty or the consequences of the act.

If we want someone to perceive liberty morally, we cannot simply tell him what to do to be free. Only the individual knows the interpretation of his liberty in a given situation. It is part of his (and not someone else's) moral obligation. Nonetheless, we can provide people in advance with the knowledge that is necessary to make sure that they do not pervert the value they are supposed to realize. Suggestions about methodology can be found in the vast quantity of literature on ethics. Many great thinkers have written about liberty as a moral obligation and argued that in order to gain real freedom one must first achieve a type of special competence. This competence was called virtue for Aristotle, an understanding of the natural law for liberalism, or loving

God for Christianity. Perhaps the most radical requirement of the kind was espoused by the Stoics. For them, to become a free man meant becoming a sage.

In our history, however, grounding liberty on moral soil has not been enough, especially since its enemies have for a long time been dominating the political scene. To expect that the victory of democracy could be the outcome of individual actions motivated by morality would only be a utopian claim. To bring about real political changes meant applying strictly political means. And so at least from the time of the Enlightenment – the *French Declaration of Rights of Man and Citizen* is symbolic here – the opinion that individual liberty must be guaranteed by laws have become common. The pursuit of freedom slowly changed political systems and led us to democracy, but it also influenced the status of liberty itself as it was perceived by citizens. It started to work as a legal concept; to use Petrażycki's term, the 'attributive' element was added to the core of it, giving the liberty the imperative-attributive shape.

From then on citizens were encouraged to perceive their liberty as particular 'rights'. That is, they became passive recipients of liberty. 'Rights' stand on the attributive side of the legal concept. Being a right, my liberty bounds every other person. Others are obliged to respect my choices, and the democratic state is bound to protect my rights. My freedom is no longer my obligation; it is the obligation of others. I am simply to be left alone, and, further, my choices or actions or character do not have any direct reference to my liberty. I could do nothing, and would still be called free, as long as others do not interfere with my choices.

The attributive view of liberty as laid out above causes major problems for democracy. In many democratic states, Poland included, there is, for instance, a problem with decreasing political participation which can be observed in the low turnout for all kinds of elections. If old democrats, having fought for the universal suffrage, had seen this, they would have been quite appalled. For them, the right to vote was just a tool to authenticate the moral content of the individual freedom. Now we have the right to vote, and we feel no obligation to actually vote. We do not see voting as an issue of freedom any more. The issue of freedom has rather become the issue of protecting the right itself.

I have focused on liberty, but replacing the moral with the legal has been the fate of many other components of the democratic ideal as well. This transition solidifies and protects democratic ideals from possible enemies and makes democratic systems distinct from undemocratic ones. However, laws provide citizens with too little information to motivate action. Legalised concepts inform us about what we can expect from others, and at the same time explain how to act so as not to deserve punishment, but they do very little to encourage positive action or to convince me that my actions matter for anyone except for myself. Once we have legalized all moral ideals, the bubbles from the democratic champagne evaporate and we are left with insipid water. The water can supply our institutions and our usual habits to let them survive for a

while. Still, with time the legal, without the moral, would collapse on itself, not being sufficiently protected by citizens who would be able to appreciate its high quality and confirm this quality in their conscious actions.

Conclusion

The positive tension between morality and law, or rather, between moral and legal motivations, influences our behaviour and frames our relationships. A great part of these relationships can be called political in the wide sense, insofar as they are important for sustaining the life of our communities. Therefore, the aporia of the moral and the legal is natural in politics as well. The ideal of democracy was deeply moral at the outset. It presented values such as freedom, equality, and justice as important for the development of every individual, and it encouraged everyone to take the challenge of living up to the democratic ideal. By institutionalizing democracy as a political system, we were hoping to strengthen such inclinations by having them articulated in laws. However, in the long run, we have not avoided the dangers of Plato's paradox. Objectifying and legislating democratic values has influenced political culture as a whole, and individual behaviour in particular. Moral actions, Petrażycki teaches, are the ones born out of our internal imperative impulses, and so they cannot be generalized as prescriptions for others. Still, others must comprehend them as being good so as not to feel insecure or to withdraw from the relationship. This is possible only when we all share at least basic and abstract ethical standards, standards that would anchor all our particular choices in some general vision of a good human life. That is why a moral action, being an outcome of a person's particular personality and character and, therefore, more individualized than any other behaviour, must to be rooted in a universal and abstract consensus on good and bad. The language of legality is unable to formulate any universal and general ideals that would not prescribe specified actions to be followed or refrained from, but rather give these actions a sense of a good direction¹⁴. The legal discourse either withdraws from an attempt like this and argues that we do not need ethics at all, or allows us to look for relevant standards elsewhere, in what we call the public sphere (see Rawls 1996 for example).

Both methods – erasing ethics, or expecting that the citizens enter the public sphere with a moral equipment acquired elsewhere – fail and are, in fact, dangerous. The first one, erasing ethics, seems to consider Plato's paradox as no paradox at all. It believes in a 'democratic practice' that would work smoothly on the grounds of legality, and

¹⁴ Legal language hates universalities for not having clear boundaries, which leads to a strange partition of every concept. Instead of inquiring about what freedom is, we talk about particular 'freedoms', as it is for instance proclaimed in the Convention for the Protection of Human Rights and Fundamental Freedoms.

this smoothness would make moral reasoning unnecessary. However, things do not become 'practical' because we name them so. Democracy, as it is practiced every day, is full of political judgements, and such judgements are made on an ethical basis¹⁵. Yet, claiming that seeds of morality could be sowed and grown outside the political sphere, and then their effects could be transferred into it is not necessarily a better option. Under certain circumstances, this can work against democracy, as once some moral alternative is formulated, a morally empty democratic concept may become too weak to compete with it. The danger grows if different ethical discourses fall under the mechanisms of Plato's paradox and become sources of norms inconsistent with democratic ones. It is not rare in modern democracies that particular groups try to pass an individual need off as morality in order to achieve concrete political goals. Not being bound by the 'political correctness' of the legal language, such groups do not avoid strict statements on good and bad, right and wrong, assuring individuals that sticking to these distinctions will allow them to find the right path of their moral development. The problem begins when such proposals increase mutual hostility and make it more difficult for their followers to eventually drop or change their group-identity.

It would be depressing to finish this article in the manner of Cassandra. I end, instead, with remarking that there are symptoms of positive change. Moral reflection is reviving in the core of the discourse on democracy, providing it step by step with new impulses that remind us about the ethical standards behind a democratic legal order which encourage us to rethink our own standards of being good democratic citizens, whether we are scholars, judges, politicians, entrepreneurs, teachers, etc. Voices which claim that ethics should be invited again to the public sphere grow louder, inspired, for instance, by advocates of the ethics of virtue. Some call for an aretaic turn (Solum 2009) in many areas of social life: political theory, jurisprudence, constitutionalism, even economy. This being the case, perhaps democracy will benefit again from the dynamics of the law-morality aporia that is so natural for our everyday normative behaviour. It is important to remember the lesson of Petrażycki, that the energy necessary for any relationship to develop comes from morality and that the issue of morality is first of all the issue of truly moral individual actions. Thus, it can not be enough for democracy simply to proclaim particular values, nor is it enough to enact good laws. The demanding challenge is the formation of good citizens which is not an easy task itself. It requires reconciling morality and law within the democratic practice to shape characters without violating rights to freedom.

¹⁵ A similar observation has been formulated for instance by Hadley Arkes, who summarizes: "In short, the judgments on politics that seem to be offered so widely and emphatically today would have to imply the existence of moral principles, the principles on which moral judgments would have to be founded if they are to be regarded as valid or comprehensible. (...) In fact, the paradox of our own day is that these political judgments are offered most intensely at a time when more and more literate people have become convinced that there are no principles of morals and justice in the strictest sense." (Arkes 1986. 4-5.)

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Taking Disanthropocentrism Seriously

Outlines of a Hypothetical Natural Law

ZOLTÁN TURGONYI

Apparently we already have a universal morality: that of Western liberal democracies, based on the central value of individual liberty and aspiring to be acknowledged globally. However, this system permits behaviours which, while causing no harm to actually existing individuals, are harmful to society and so to the reproduction of individuals as well in the long run. We cannot argue that we can trust in some social or cosmic automatism defending us from such consequences, since, if we take State's official agnosticism seriously, without a possibility of a public reference to God we cannot refute that the universe is disanthropocentric, completely indifferent to human interests. Thus, we need a morality that takes long-term social consequences of individual behaviours as well consciously into consideration. But, because of the gap between facts and values, this morality can only be hypothetical.

In a certain sense we can easily answer the question in the title of our conference; our actual Western civilization (believing in its global mission) insists on the universal validity of a morality based on individual liberty. According to this, everybody can follow his own way of life, if he does not hinder the similar liberty of others, i. e. if he respects the harm principle. The task of the State is “equal concern” for all the conceptions of good life, for instance, to quote Dworkin, that of “the scholar who values a life of contemplation” and, at the same time, that of “the television-watching, beer-drinking citizen” (Dworkin 1978. 127). An other example can be the “equal concern” for traditional families and for merely hedonistic, non-procreative sexuality. If somebody does not develop his intellectual virtues or if he practises free love, he does not cause harm to any other concrete living person, so according to the present consensus his behaviour is not blameworthy. Still the long-term consequences of this can be disastrous for the system itself. Firstly: in the long run, without intellectual virtues it is impossible to sustain the economical and cultural background which is necessary for the great variety of forms of life presupposed by the liberal respect for autonomy; if society will sink back into barbarism and the whole human lifetime will be used for mere physical self-preservation, the right of the individual to choose freely his own way of life will be reduced to a bare theoretical possibility. Thus, there will practically

be no *objects* of free choices. Secondly: if sexuality is a private affair in the actual liberal sense of this expression, it is possible that the majority's sexual behaviour becomes merely hedonistic, ruling out procreation of children, and this will result in a decrease of population. Thus, in the end there will be no *agents* of free choices.¹ So the actually dominant Western morality is self-defeating.

We cannot expect that some social or cosmical automatism defends us from such consequences. Such an expectation is reasonable only if we suppose a universe adjusted in some way to mankind, where certain human interests prevail *without our conscious efforts*. But this is evidently impossible without the existence of some divine being, who directs the things "backstage" for our sake. (The problem is similar to that of the "invisible hand" in economy.) So if we think that the only duty of individuals is to respect the harm principle while following their own way, without any subjective regard to the harmony (or to the mere subsistence) of the whole of society as such, and, at the same time, we want to sustain this harmony (and this subsistence), then we must presuppose the existence of God. But contemporary Western political consensus seems to preclude this presupposition, since one of the bases on which the religious and moral neutrality of the State is required is exactly the (alleged) indemonstrability of the existence of God. (So a reference to Him would not be a "public reason".) In the following I also accept this indemonstrability as a working hypothesis (bracketing my own opinion on this issue), adapting myself to this "methodological atheism", which must be, at the same time, a "methodological disanthropocentrism" too, since without presupposing the existence of God we have no reason to think that the universe functions automatically according to the interests of mankind. Thus, if contemporary Western liberal democracies want to be long-lasting, they must *consciously* provide for the reproduction of their own preconditions, i.e. assuring, firstly, that there *be* humans at all, secondly, that their activities be specifically human, i.e. higher than mere (biological) self-preservation. But so we must say that liberalism needs, beyond the harm principle, some common substantive values as well. To put it in other words: liberalism has to become perfectionist, prescribing some virtues and publicly preferring certain forms of life which are favourable for the survival of society.

But this kind of perfectionism is, in fact, needed not only by liberalism; it is the precondition of *every* truly *human* society. We can say that without it there is no human nature (if we use this expression in a classical Aristotelian-Thomistic sense, meaning

¹ A possible counter-argument is, of course, the reference to the immigration compensating for the decrease of local Western population. But, even if we disregard the well known conflicts between coexisting groups of very different ethnic and cultural backgrounds, we still have a problem: liberal democracy considers itself a system of universal validity, it endavours to be global; but once it achieves this purpose, it "exports" the inherent contradictions of this system, too, so the actually Western problems will be global ones, the possibility of massive hedonism and population decrease included. So we would not be able to find overpopulated countries anywhere, countries that would possibly be able to send us immigrants.

the human *essence* from the point of view of *activity*). Our specificity compared to other living beings is just the fact that our activity is not confined to the satisfaction of merely biological needs, but we satisfy specifically human needs as well; furthermore, all this is made consciously, and meanwhile the needs and the corresponding activities multiply, and our rational control over the world (self-control included) increases. The latter is evidently the precondition of the former; without rationality we are unable to decrease the time used for our mere biological sustenance and so to increase the time usable for specific human activities.² All these processes are only possible because there are physical and spiritual human objectivations surviving the concrete individuals and accumulating during history, and, of course, because there is a society which transmits the way of using these objectivations (and, of course, it even transmits the mere existence of spiritual objectivations that are unable to subsist without consciences by which they are carried, e.g. language, skills). Without this accumulation, each generation would repeat the life of the previous one and we would vegetate on a nearly animalistic level.³ So the historical permanence of human society is also a part of our nature.

The functioning of this mechanism presupposes *both* the harm principle assuring the peaceful coexistence of individuals *and* the long-lasting survival of society in a *human* way (i.e. characterized by consciousness, as well as specifically human needs and activities); I shall call here *this form* of survival “common good”, accepting the definition of the latter formulated by Jacques Maritain.⁴ In what follows, the set of norms considering both the harm principle and common good are referred to as “bi-functional morality”, the validity of which, of course, has also to be defended by the *legal* norms of the State. Originally it is a product of a spontaneous (mostly cultural, but in the beginning also biological) evolutionary process, but it becomes increasingly influenced by conscious reflection. This corresponds to our methodological disanthropocentrism; if human society is nothing but a product of spontaneous and originally accidental processes, there is no “cosmic” guarantee for its lasting subsistence, so it can

² Maybe some readers will find this anthropology one-sidedly “Western” and too attached to modernity. But one must not forget that the basic tendencies are the same in every age and civilization; even the making of a stone axe presupposes *some* degree of conscious domination over the world, even the most primitive social group is impossible to exist without *some* degree of self-control etc. The relatively high degree of this conscious control in the West has made it possible for us to make ourselves aware of the importance of it, but the processes themselves that increase rational human domination are omnipresent.

³ These are perhaps commonplaces, like many other statements of this paper; still, we have to underline them because the irrationalist fashion of our postmodernist age sometimes makes us forget even the simplest truths.

⁴ He writes that the common good is “the good *human* life of the multitude” („la bonne vie *humaine* de la multitude”). (Maritain 1978. 299 – Maritain’s italics) By good human life he evidently means a life characterized by the practice of virtues in an Aristotelian sense, while the use of the word “multitude” (instead of “men”, “persons”, “humans”, “individuals” etc.) can be interpreted as emphasizing the fact that here we are speaking of mankind as a unity, a whole, a structure surviving concrete individuals as its changing components; so this expression implies the historical continuity of society as well.

perish if we do not take care of it consciously. In this sense our nature “requires” or presupposes this bifunctional morality, which, therefore, can be called a “natural law”.

From the above considerations it is perhaps clear that my view, notwithstanding my insistence on *survival*, is different from that of Hart, since he speaks, above all, about *individuals* who usually *want* their *own* survival, and this pursuit requires some typical norms, present in every society: “some form of prohibition of the use of violence, to persons or things, and requirements of truthfulness, fair dealing, and respect for promises” (Hart 1961. 176, cf. 195). So he remains on the level of the harm principle. But striving after survival is not, in fact, in itself a human specificity. The factors which really distinguish us from animals are *the way* in which this effort of defending our lives is realized (rationality, planning, conscious self-control, domination over the world etc.) and *the content* we put into our defended lives (our specific human needs and activities). Even the fact itself that we ensure individual survival *just this way*, i. e. *by norms*, is due to these two factors. Now, they can really blossom only through a multigenerational (potentially endless) historical process (in the beginning of which humans practically do not yet differ from animals). So historical continuity also belongs to our nature. But even the biosphere is interpretable only as a structure of complicated synchronic and diachronic relations, not merely as a mathematical sum of individuals or species living in the same age by chance. It functions as a whole, surviving its concrete parts (i.e. individual living beings). It is even more so in the case regarding the human world, which is also a long-lasting structure with changing components, i.e. individuals, whose functioning cannot be understood without comprehending the society as a whole that survives them. Of course, the average man often cares about himself alone, and he is unaware of the above considerations. Still, individual pursuits result in this great whole, and without this latter even the mere existence of human individuals would be impossible. Now, here we want to examine the real functioning and order of the world, so we insist on the survival of the whole as well.

Accepting the above-mentioned methodological disanthropocentrism, it becomes obvious that individual pursuits are not in “pre-established harmony” either with one another, or with the common good. So we need compromises, requiring personal efforts and even sacrifices, usually made unwillingly. That’s why *motivation* is so important. It happens partly by sanctions, partly by internalized moral convictions. The role of moral convictions is much more important, since they often are the only real motivations, because the functioning of sanctions presupposes the fact of the sin and the person of the sinner to become known, which is not always the case.⁵ The content of these convictions is the existence of the objective goodness of something, which,

⁵ Of course we are speaking here of “earthly” sanctions; the *belief* in *divine* sanctions can be very efficacious, but religion can disappear faster than moral convictions. At least this is what we can see in Western society, and it is this latter one that mainly interests us at this point of our investigation.

therefore, we have to respect. We can accept either the self-evident “goodness” of the common good itself, or that of some other thing, but in this latter case the respect for the value in question must require a behaviour, which corresponds to the above mentioned bifunctional morality, and so it objectively promotes the common good, even when the agents themselves are not conscious of it. E.g. they can simply accept the value of tradition as self-evident, or believe in the inherent goodness of some duties or in “equal human dignity” of each individual, or regard virtues as values in themselves etc. (Each of these convictions can furnish, in theory, a sufficient motivation.) So the objective mechanism of morality needs a consequentialist interpretation (since morality originally, in its chronologically first ontological function, is a means to an end, namely, to the survival of society in a human way)⁶, but the subjective motivation of the agents often really happens as if deontology or virtue ethics were true. This is not a kind of distortion or anomaly. It is rather a good example illustrating the genesis of new, specifically human needs (which, as we have seen, are essential components of our nature); a sense of duty and virtues, while being necessary *means* for the functioning of morality, can become *ends in themselves* for us; but *this fact* of becoming ends in themselves *itself* is also a means in the whole of the mechanism. It is because it gives us motivation and it facilitates our decisions, since this way we do not have to reflect upon the whole system of causal connections between certain behaviours and the promotion of common good every time we decide on some moral issue, so we can act routinely. (Otherwise human activity would be simply impossible.) On the other hand, this process can also endanger the normal mechanism of morality, because the ontologically primary function of this latter can even sink into oblivion, although we must consider it consciously when we have to correct the spontaneous evolution of morality. And, if we use our methodological disanthropocentrism consistently, we have to say that, sooner or later, this correction becomes indispensable, since we cannot think that the new elements produced by cultural evolution are always automatically favourable for the common good.

Now we see the necessity of bifunctional morality. But what is its content? The norms belonging to the first function, corresponding to the harm principle, are more or less evident for contemporary Western people. What about the norms of the second function, responsible for the survival of society (in a human way)? We have already mentioned the reproduction of population and the conservation of objectivations (especially the spiritual ones; virtues, language, customs etc.). The third task belonging to this second function is the conservation of natural preconditions for human existence: favourable ecological conditions and sources of energy and raw

⁶ Of course by “function” I do not mean here some “prescribed” role; what I mean is simply that human civilization *de facto* has survived until now by means of this mechanism. An analogous example would be given by the organs of an animal, which are the results of a spontaneous evolution and still, we speak about their function.

materials. Now, these tasks are more or less neglected or approached in a wrong way in our Western societies.⁷

So the norms concerning these latter tasks also have to be contained in our bifunctional morality, i. e. natural law in the right sense. Thus, the number of its norms are far greater than, e.g., that of “the minimal content of natural law” according to Hart. (Hart 1961. 189 ff., cf. the quotation from his work above.)

It is of course impossible to present all these rules here. But it should nevertheless be clear: if we go into details while formulating a set of moral norms, it is sure that there will be a lot of historical and ethnological examples contradicting them. This fact seems to justify relativism and to endanger the possibility of using the name “natural law” in the case of our bifunctional morality. There is a frequently mentioned image of natural law as a completely fixed system of norms, recognizable by any mentally sound adult living in any kinds of historical and geographical circumstances; it is formulated once and for all, without any possibility of changes. If we accept such a conception, any historically formed moral rule differing from that fixed system has to be regarded as an anomaly. This latter can be interpreted at least in two ways. We can see it as an

⁷ The contemporary Western world really only cares about this third task, and even in this case it usually acts in a way which is not in harmony with the common good in the sense used by us in this paper. It is doubtless that public opinion shows great concern about “green” issues, but proposed solutions often represent two extremes which are equally wrong from the viewpoint applied here. The partisans of the first one, “deep ecology” in a broad sense, look for a solution for the sake of the biosphere, not for that of mankind, and sometimes they even consider the extinction of the latter to be necessary. The adherents of the other extreme stick firmly to the actual liberal paradigm (“rights talk” included), so they want to conserve the environment and natural resources in the name of “the rights of future generations”. But there is a possible counter-argument here: the infringement of the rights of future people is evitable also by preventing them from being born. Thus, this approach permits even a collective suicide of mankind, so it may have the same practical consequences as the attitudes represented by the radicals of the first extreme solution.

As for the other two tasks: the most important objectivations, the virtues, are neglected, because of the declared anti-perfectionism of liberal democracies, so in this respect the education of the bulk of the people is made by mass culture. The same can be said about the reproduction of population, too; notwithstanding the evident underpopulation crisis of the West, the official “politically correct” opinion is still that sexuality is a “private affair”, in the case of which the only task of the State is the enforcement of “equal concern” towards all kinds of sexual relations between consenting adults. Thus, the official preference for traditional family is abating, although this is the only model about which we can surely know that, at least until recently, it reproduced the Western population successfully.

In contrast to our contemporary Western liberal democracies, in the non-Western (and pre-modern Western) world there was a dominance of norms promoting the education of virtues and defending the institution of marriage. (Ecological issues were neglected only because people of those times were not aware of the existence of these problems.) – Still, I am neither antioccidental nor completely antimodernist: on the one hand, I think that the (premodern!) West had an indispensable contribution to the whole human civilization, namely, the conception of a natural law; on the other hand, Western modernity, inasmuch as it has enormously augmented human domination over nature and the variety of specific human needs and activities, corresponds perfectly to the main tendencies of human nature (i. e. to a *universal* measure); the problem is that in the meantime it has forgotten the common good, at least in the aforementioned Maritainian sense.

empirical proof of the non-existence of a natural law, but we can also say that the people in question commits a sin by accepting such an anomalous rule. Neither of these possibilities is good for us. We reject the first one since we are looking for real natural law in the classical sense. At the same time, the second possibility is also inconvenient: in what sense can we speak about a *natural* law (of *eternal* validity) at all, if there are entire societies living *without* its authentic form (i. e. being continuously *sinners*) and still sustaining themselves during centuries or millennia?

We can find some solutions in the mainstream of the classical natural law tradition. Saint Thomas Aquinas acknowledges the historical existence of peoples which have or had moral norms differing from those of the natural law. According to him, such deviations exist partly because of an ignorance due to some morally condemnable factor, e. g. “in some the reason is perverted by passion, or evil habit” (S. Th., I-II. 94.4). But he also acknowledges the possibility of *sinless* collective deviations from the natural law; the validity of some of its norms can be suspended temporarily, when their non-observance better promotes some historical goal. E. g. God dispensed the Jews from observing the precept of monogamy “through an inward inspiration [...] at a time when it behooved the aforesaid precept not to be observed, in order to ensure the multiplication of the offspring to be brought up in the worship of God” (S. Th., Supplementum, 65. 2). So, the non-observance of certain norms of the natural law in some ages of the past can not only be acknowledged, it can even be considered a useful or necessary means for mankind during its progress.

When Jacques Maritain interprets this Thomasian text, he says that instead of “inspiration” we can also say “anticipated dispensation” (*dispense anticipée*) (Maritain 1986. 170): God does not give us an *explicit* dispensation (by means of an inspiration) from an already known law, instead He simply *leaves* us in ignorance of some norms of the natural law in some past times of history (Maritain 1986. 170); this is completely normal in itself (Maritain 1986. 194) if we consider mankind from a strictly philosophical viewpoint, “disregarding theological data concerning the state of innocence” (Maritain 1986. 193), i. e. bracketing our knowledge about Paradise (and about the Fall as well, of course), recognizable only by Revelation. So the ignorance of some norms of the natural law in the past (even together with an eventual historical function of this ignorance) can be interpreted simply as a normal fact of history, due to undevelopedness or to other merely immanent circumstances and causes, without any reference to God. Thus, Maritain can make a distinction between two aspects of natural law: the ontological one and the gnoseological one. On the one hand, it is eternally true that there can be an ideal set of norms which is the best for human nature, and which, therefore, can be called the “natural law”; on the other hand, the recognition of these norms are realized during a historical “trial and error” process, a kind of cultural evolution (Maritain 1986. 20-35 and 188). This theory is acceptable even for our methodological atheism and disanthropocentrism.

So this view of Aquinas interpreted by Maritain establishes a precedent for us in making such a natural law theory which is compatible with historical changes in the knowledge of this law. But once we acknowledge this evolutionary model, we also have to accept the fact that *each* of the different moral systems is (in a certain sense) *justifiable* in its own place and age, for it corresponds to that specific place and time. (Or we can say this at least in the case of those that make possible a relatively long-lasting functioning of a society.) How can we choose, then, the authentic one (i. e. the natural law itself) from among them? Are we sure that a moral system that we elaborate rationally and identify with the natural law for now, will not be obsolete someday in the future? A true natural law must maintain some supra-historical character, it has to contain some *definitive* norms which are *de jure* in themselves the most suitable for our nature, even if they are not known equally in every age, and to which we can compare the norms formulated *de facto*, in order to qualify them right or wrong.⁸

Are there such norms? Is the process of the recognition of norms finite, at least in some regards? I.e.: are there at least some rules which, once formulated, must never become obsolete? Well, I think, if we want to answer these questions, we must proceed in the following way. When we ask whether a certain norm is definitive, we have to examine the historical circumstances under which the norm has been formulated. If we find that the historical process resulting in the genesis of these circumstances and corresponding to the mentioned tendencies of human nature (increase of rational control over the world etc.) has reached its end, we have good reason to think that this norm is definitive. For the sake of brevity let us look at only one example, the prohibition of murder.⁹ Let us suppose that we have already established a norm, according to which the killing of an innocent human being is always a sin; we have made this on a speculative level with regard to the requirements of both the harm principle and the common good as well as to our anthropological features etc. Then we are confronted with the fact that there had been societies that allowed or even required human sacrifice, anthropophagy, killing of newborn babies, old people, foreigners etc. How can we apply our above mentioned method to this case?

It is clear that permission of human sacrifice, cannibalism, infanticide, or the killing of old people is due partly to misbeliefs, partly to food shortage, and these factors ceased due to the growth of the rational domination over the world. (This process corresponds

⁸ For a Christian thinker, these norms are given by Revelation. But as a philosopher, one cannot use revealed contents and must proceed as if these contents did not exist. (Of course, the result of merely philosophical argumentation, after this latter, must be compared to the revealed norms. But these in themselves cannot be convincing for a non-believer.)

⁹ I have to emphasize that the following train of thought is *not* a complete demonstration of a norm of the natural law (namely, the prohibition of murder). The argumentation is simplified; I disregard some controversial issues (e. g. abortion, euthanasia, suicide etc.). I only want to illustrate the *method* applicable to the problem of finding definitive norms.

to the mentioned tendencies of our nature.) Theoretically, the knowledge of mankind has already reached a level where everybody could be fed and freed from the misbeliefs in question. But if *everybody* is in this situation, *where* could we go on *in this regard*? Similarly, the prohibition of killing foreigners is in harmony with a tendency of our nature, namely, with the widening of moral communities. In the beginning they are very small; norms bind the individual only in his relations to members of his tribe, village etc., and foreigners are often considered non-humans. Instead, now the whole of mankind is a unique moral community (at least theoretically). Now, this process also corresponds to the aforementioned tendencies of human nature. First of all, if the different communities of the world do not consider one another potential enemies in a continuous state of war, and if no foreigner has to be afraid of becoming the victim of some act of aggression permitted by some local morality, then this safety is an important component of the rational domination over the world. Secondly, exchange of cultural objectivations between different communities promotes a better knowledge of the world and the multiplication of specific human needs and activities, and these also correspond to a tendency of human nature; the more the safety of foreigners is protected, the easier that exchange becomes. We are at the end of a process here: *where* can we go further now when *every* member of mankind is already in the same moral community?¹⁰ So our rule in question (“the killing of an innocent human being is always a sin”) can be considered definitive.

But if my previous argumentation is wrong, and it turns out that there are no definitive *concrete* norms of natural law, the necessity of a bifunctional morality for the sustainment of society still remains true, since nobody can deny that without *some* norms concerning the harm principle and *some* norms promoting mankind’s survival in a human way there is no human civilization. There would be a natural law even then, although consisting only of these two general rules, and all the concrete situations would be regulated by norms of positive law in a wide sense (belonging partially to morality, partially to legal systems).

So we have a possible answer to relativism, one of the two main actual challenges to the natural law. But what about the other one, i. e. the “is-ought” problem?

Well, in the above model the effects of norms and values are the integrant elements of the mechanism of the human world. Seen from this aspect, the “is-ought” problem is quite senseless. The functioning of this human world requires acts corresponding to the

¹⁰ Of course there are authors who want to extend the concept of a moral community to non-human living beings as well. However, this is a kind of arbitrary anthropomorphization of subhuman beings. If morality were (instead of being a specific human means for the sustainment of *one* species, namely of ours) a system of criteria to be applied to the whole biosphere, nature would be full of sins even in a world without humans, since killing is a normal part of its functioning. On the other hand, we can extend the concept of a moral community to extra-terrestrial civilizations, too. But this is not really an extension. If we define “human being” correctly, in a philosophical sense, then it covers *in advance* all the set of “rational animals” in the universe, regardless of the fact that they belong to many different species in a biological sense. So they all are defended by the norm that prohibits murder. (Our actual relation to extra-terrestrials is like that of Europeans to American Indians before Columbus... or vice versa...)

bifunctional morality, and this is what actually happens, since the majority of mankind really acts according to these norms, and that is why mankind functions at all. This is simply the normal way of functioning for this part of the universe called “mankind”, one of the three known levels of being (while the others are the inorganic world and the biosphere). Our majority’s conscious obedience (motivated by sanctions and/or convictions) to norms is simply a specific way of causality, characterizing this level of being as normally as, e.g., immunoreaction or other unconscious processes do on the biological level of being.

Would this mean that we have re-found a premodern conception of “cosmic order”, with a well defined place for man, and that our only task is to adapt ourselves to this order? Yes, at least in a certain sense.¹¹ But the situation is not so simple, because seen from another aspect, the “is-ought” problem is not senseless.

As we have seen, the functioning of the human world presupposes the existence and acceptance of certain convictions about the objectivity of values. These convictions, while being really indispensable for morality, constitute *real* theoretical problems. Although people have regarded them, until recently, as self-evident, according to modern ethics we have good reasons to deny the existence of objective values (cf., in particular, Mackie 1981.). This means that the *normal* functioning of society in the past had been based on *illusions* (which, notwithstanding all this, have *real* causal roles in the functioning of mankind) and that truth (at least from *this* point of view) can be *against* the normal functioning of society. This statement is not scandalous, since such a situation corresponds completely to our methodological disanthropocentrism, according to which the universe is not automatically shaped according to the human point of view. So it is quite possible that the inner dynamism of the intellectual progress of mankind undermines that order by which this progress itself has been made possible.¹² (This is nothing but an aspect of the historical process described by Adorno and Horkheimer in *Dialectic of Enlightenment*.)

¹¹ That is why my conception is incompatible, e.g., with the two extremes of “green” thinking, mentioned in footnote n. 7. The existence of mankind is a part of the cosmic order, therefore, on the one hand, it is to be defended, on the other hand, this defence is not for the sake of the rights of future people, but for the integrity of that order itself.

¹² But there are several other possibilities, too. Maybe the discovery of the non-existence of objective goodness will modify the order of the human civilization, so the present order (sustained until now by bifunctional morality, traditional convictions etc.) can be conceived of as only a part of a wider order, existing with the help of a new kind of mechanism, with a new form of morality, completely different from that proposed by us; it is even possible that human nature itself will be changed (as posthumanists or transhumanists think) in a way unthinkable for us at the moment, perhaps making any kind of morality unnecessary etc. There are many possible scenarios. Still, in a certain sense, all of them (my proposal included) are “overwritten” by our present knowledge about the impossibility of objective values. In the light of this every further human project will be equally contingent. Even if we can build some “posthuman” world where the problem of moral convictions, values etc. cannot even be formulated (or, on the contrary, if there will be a civilization with absolutely rigid convictions questioned by nobody), the decision to build it can be made only by today’s people who know that such-and-such a project has no greater “objective goodness” than any other possible scenarios.

It remains a *fact* that the acts corresponding to the above mentioned bifunctional morality cause the preservation of a certain part of the universe, namely the human civilization. But the objective goodness of this latter cannot be demonstrated any more. *If* somebody (because of his contingently formed personal preference system) considers it good, *then* he has to follow that bifunctional morality, so this is only a hypothetical natural law. Goodness is not an elementary property existing in a certain thing as it is the case with, e. g., its colour or shape. Goodness exists by the relation of a mind to a thing. The universe does not want the existence of mankind, since it does not want anything (it is completely indifferent even towards its above mentioned own “cosmic order”). Only reasonable beings can attribute value to something. Now, the goodness of mankind or even that of the universe is not necessarily an evidence for everybody. There are many historical and contemporary examples of negative or neutral attitudes towards the existence of the cosmos or the human species, from ancient Gnosticism to the actual Voluntary Human Extinction Movement. The more the indemonstrability of values becomes a common knowledge, the more the number of people with such attitudes can increase, which contributes to the crisis of our civilization. And, in the last analysis, we cannot even be indignant at this, if objective values are *really* non-existent.

Still, for the very same reason, the followers of the common good can similarly fight for it. Why not? After all, the “objective value” of their goal is *not more* illusory than any other possible goal. And we can even say that *the existence of human beings*¹³ is, at least in a certain sense, *objectively distinguished among all the possible subjective goals*, since without a civilization of intelligent beings there is no mind creating values in the universe at all.¹⁴

But what can we substitute for convictions about objective goodness, if they cannot be believed any more while their function is necessary for the mechanism, since we have to use some motivations for the respect of the common good?

What happens if we reject the working hypotheses of atheism and of its corollary, disanthropocentrism? Let us suppose, from now on, that there is a God who wants to maintain the order of the universe, our common good included! What changes? Nothing – and everything! Nothing, because even then it remains true that the goodness of a thing is the *relation* of the *mind* to that thing. If there is a pro-cosmic and pro-human God, He is one of

¹³ In the broad sense, like in footnote n. 10.

¹⁴ I. e. civilization of human beings is the ontological precondition of any value system, even those that deny the goodness of civilization or of the cosmos. Still, even this peculiarity of civilization is a *fact*, with no objective value. A universe with value-creating beings is neither “better”, nor “worse” than a universe without such beings. The same can be said about some other essential features of mankind: rationality, richness of needs and activities etc. It is a fact that mankind functions producing and using these features, one can even use them as criteria for measuring the degree of complexity of different societies, of mankind and of the cosmos, too, but this complexity and the features themselves in question are also simply facts, and goodness is only *attributed* to them by us, while, of course, the fact of this attribution itself can play a real role in the causal mechanisms of mankind.

those minds who have a positive attitude towards the universe and towards mankind. He can command us to preserve mankind, but we know very well that there are obdurate sinners who do not obey, i.e. whose subjective preference system does not contain mankind (or even God) as a positive value. Of course, God can change the content of our preference systems through immanent causes, so He can assure that mankind would be a part of them as a positive value. But even so, He produces only an appreciating relation in the mind in question, and this is quite different from the existence of some mysterious “objective goodness” in the appreciated thing itself. Still, in another sense, practically everything changes, since God punishes all sins, and they cannot be hidden. So even if there were no convictions promoting the content of the bifunctional morality, the fear of divine sanctions could be a sufficient motivation to respect the natural law.

Would all this mean that belief in God (perhaps even without His real existence) is the only way to save the functioning of morality, if the “is-ought” problem makes the old moral convictions impossible? Maybe.

However, another possible solution needs to be mentioned as well: the “sentimental education” proposed by Richard Rorty that should take the place of the theoretical foundations of liberal democracies (Rorty 1993.); but I would use it, of course, in a different way; during education we should create positive attitudes towards the common good in the above-mentioned sense.

What would be the best solution? Should we use the former, the latter, their combination or some other possibility? The answer needs further investigations, which, of course, I cannot pursue here and now.

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Two Kinds of Moral Relativism

ÁKOS SIVADÓ

The charge of moral relativism (used synonymously with cultural relativism) is frequently levelled against those who wish to deny the universalistic nature of moral codes and moral judgements – although the distinction between the incommensurability of conflicting moral systems and the universalizability of moral judgements within a single system is oftentimes left unaddressed. The aim of this paper is to elaborate what this distinction amounts to, and to argue that relativism remains a tenable position even if we accept the universal nature of certain human characteristics.

Introduction

In both historical and contemporary accounts of morality, those approaches that seem to move our philosophical compass towards the vantage point of relativistic considerations usually meet with disapproval and – to a lesser extent – various forms of outrage. It is not hard to understand why that seems to be the case: after all, individual human conduct and societal norms both need something to serve as their foundation, on the basis of which it is possible for us to distinguish between desirable and undesirable (or even contraindicated) actions. This foundation should ideally be universalistic: it should not matter to whom it is related to, in which time period or in which area of the world the populace under its guidance happens to exist.

Should one attempt to advocate a position in the realm of morality that appears to deny these universalistic features of what is right and what is wrong to do, the backlash is rather predictable. After all, the denial of such characteristics of our morality seem to undermine not only our moral evaluations, but our more-or-less clear-cut view of how to live together with others within the confines of a community as well. This seems to be a rather high price to pay for bringing attention to the fact that different kinds of communities sometimes live by irreconcilably different moral codes than our own.

Regardless of the possible controversies relativist accounts may give rise to, moral relativism is not by any means an absolutely untenable position. Many philosophers and social scientists alike would qualify themselves as moral relativists, no matter how much their opponents would like to stigmatize the label of relativism. However, being a relativist in the matters of morality does not amount to the denial of the *same* universality in all cases. Broadly speaking, “moral relativism” is to be considered an umbrella-term, under which all kinds of various accounts find their place in the arguments of their antagonists, irreflective of whether the proponents themselves wish to be so classified or not. In the

following, the main aim of this paper is to differentiate between two rather dissimilar accounts in the field of morality that both deny *some kind* of universalism, but both are indifferent towards other features of morality that may or may not be universalistic in nature. After elaborating both positions, I attempt to defend a moderate relativism on both accounts, showing how holding such views does not amount to adopting an “anything goes” type of framework, or a libertarian but ultimately shallow background that renders discussion regarding moral duties and values inherently fruitless.

What is relativism? A working definition

Before moving on to the specific types of relativism I wish to address and defend, it is important to give a definition of what being a relativist actually amounts to. The core of the concept is all too easily confused with nihilism and limitless skepticism, therefore it is the relativist’s duty to show how such assessment of her position ultimately fails to depict it in a proper way. Arguing for the relativity of true statements in a given field of inquiry, the proponent of relativistic claims usually tries to show how certain assertions in the specific field cannot be held true without regard to the context in which they are made.

Being a relativist therefore is *not* to be equated with saying that there are no possibly true statements to be made regarding the subject matter of our investigations (nihilism), or that even if there are some, we are not and will never be in the position to make them correctly (skepticism). There is definitely no consensus among different philosophical schools about, for example, the fundamental building blocks of empirical reality, and while a nihilist would explicitly deny the existence of the building blocks themselves (i. e. “there are no such things as subatomic particles”) and a skeptic would deny our ability to ever justifiably believe anything about them (i. e. “we cannot know anything about subatomic particles”), the ontological relativist would merely assert that these questions are best answered with regard to the position (the historical and cultural context) of the investigator.

That is, however, no small challenge in itself to a generally accepted view of Western physics that has the universal validity of scientific explanations as one of its constituent parts. Universality, the claim of something to be true, valid or trustworthy in all kinds of various contexts, is the main target of relativist accounts. The above example was taken from the field of ontology, though relativist accounts have been formulated in epistemology and ethics as well – the latter of which will be our present concern in the investigations that follow.¹ Relativism, then, could best be viewed as a doctrine that simply denies the universal validity of certain knowledge claims, or, to borrow a phrase from David Bloor, relativism is simply the “denial of absolutism”. There are no absolute truths regarding certain states of affairs, but there *are* contextually true statements to be made, and we

¹ The locus classicus of ontological relativism is, of course, Quine (1969), while for epistemic relativism, see Luper (2004) and Boghossian (2010).

are in fact in the position to make them. The moral relativist applies these considerations to the field of human conduct and moral evaluations – and does so in at least two different ways. The explication of this difference stands in the center of the next two sections.

Cultural relativism as moral relativism

Relativist accounts often target moral aspects of our social life that play a huge part in guiding and limiting our everyday conduct, but that obviously lack these kind of characteristics when applied to communities different from our own. Moral frameworks are not entirely homogeneous, they sometimes deal with specific modes of conduct, other times they provide more-or-less vague instructions regarding attainable goals, various ethical benchmarks every responsible member of a community should aspire to meet. Anthropological accounts of tribal life in foreign continents (African, South American and indigenous Australian tribes are the most frequently described societies) often direct our attention to the ways in which everyday life in these communities is guided by fundamentally different moral principles than the ones we ourselves build our activities around. The more extreme and shocking the examples, the more appropriate they are to highlight these differences. It would be highly controversial and morally objectionable in Western societies to, say, grind the bones of our deceased relatives into a powder and put it in a specific soup which we later plan to eat.² The fact that this act and countless others of its kin are not only permitted but mandatory in certain alien cultures generate magnetic storms around our moral compass; if it is a moral obligation in one community to do something that is considered to be morally reprehensible in another, we are met with a serious dilemma. One option is to state that our moral evaluations are in some way *better* than theirs, anchored more firmly in the *correct* foundations of morality. In this case, we are tasked with proving why that is so – why our way of life is more in accord with the ultimate principles of morality. The other option is to deny that there are ultimate principles of morality, and hold that it is perfectly natural for different communities to have alternate, even radically different views on ethics and proper conduct.

This latter option is the first kind of moral relativist's (MR1) position: she argues that there is no "God's eye view" on moral matters, from which it could be decided with absolute certainty what are and what are not ethical ways to act in all sorts of situations. Moreover, just as it is not possible to discover the fundamental principles of an universal morality, it is equally flawed to think that there is a hierarchical structure of the various moral codes according to which one could be deemed inferior to the others. There is no hierarchical structure at all, the fabric of the world contains no moral "matters of fact" – universally valid moral statements are impossible to formulate.

Proponents and opponents of such a view alike usually equate moral relativism with MR1, going so far as to use the label interchangeably with the term *cultural rela-*

² Which is a custom of the Yanomami tribes of South America, see Iserson (1994).

tivism. Upon first sight this identification seems justified; all the examples that direct our attention towards these problems come from alien cultures, from modes of lives that have a strikingly different grasp on reality than Western civilization. Since the moral evaluations of a community are strongly linked to the given community's general outlook on their social world, it is appropriate to use the notions of moral and cultural relativism synonymously. Formulated this way, MR1 amounts to the following: different cultural contexts give rise to different moral evaluations, and it is not possible to defend one of these against the others on cross-cultural grounds, since what is and what is not appropriate to do in a given context depends first and foremost on the context itself. Should we choose to do away with that context, our comparative judgements would turn out to be empty, sometimes even unintelligible.

This is the "regular" version of moral relativism that usually stands in the center of philosophical controversies.³ There are, however, certain aspects of our moral lives that are left out of this picture; aspects that are impossible to take into account based on a concept that places irreconcilable moral differences into the incommensurably different cultural settings that serve as their bedrocks. Moral conflicts are not necessarily limited to the different evaluations between people with different cultural backgrounds; they can arise in the case of a shared cultural setting as well. This poses a problem for MR1, since it is specifically formulated to deal with differing moral judgements that are underpinned by differing ways of cultural life. If it could be shown that cultural differences are not necessary criteria for alternate and equally valid views on what one should do in a given situation, moral relativism *as* cultural relativism would fail to account for all the discrepancies in our moral judgements. To illustrate how such problems could arise, let us take a look at Peter Winch's example from the literary work of Herman Melville.

Moral relativism at home?

Melville's fictional account of Billy Bud's trials and tribulations tells us the story of a man who was tasked with performing military duties on an army ship (he was a foretopman, to be specific), where he quickly became the victim of one of his superior's constant abuse and humiliation. In an especially impulsive moment, having been falsely accused of planning a mutiny, Billy Budd, reaching his emotional breaking point, shoves his superior so hard that he falls over, strikes his head, and dies on the spot. A court martial is promptly ordered, and the ship's captain (Vere), who was present at the incident, and is supposed to be the judge in the subsequent trial, suddenly finds himself torn between two equally valid, and equally moral positions.

On the one hand, the accused did in fact commit the crime he was being charged with; striking a superior officer is a serious offense in itself, and since the situation –

³ For a comprehensive bibliography of the topic, see Tilley (2000).

albeit inadvertently – culminated in the officer's death, Billy should be punished accordingly (in our case, sentenced to death). It is, following from his position as a man tasked with upholding the law at sea, Vere's *moral duty* to act in accordance with the penal code. On the other hand, however, as a witness to Billy's recurring mistreatment, and as a human being capable of empathy, he feels an equally persistent *moral obligation* to acquit the man of the charges, since what he did was a) not meant to cause fatal injuries to anyone, and b) it was a genuine reaction of someone who feels that he is being unjustly stripped of his dignity and moral worth.

Here we have a moral conundrum that is essentially homegrown: no alien rationalities or cultural contexts play any part in its possible solution. As Winch puts it:

I am interested in the position of a man who, *ex hypothesi*, is completely morally serious, who fully intends to do what he ought to do but is perplexed about *what* he ought to do. He feels the force of conflicting moral demands on him. 'On the one hand I ought to do this, on the other hand I ought to do that. So what ought I really do?' I am interested here in the force of the word 'ought' in that last question and the answer given to it. (Winch 1972. 161)

Indeed, what are we *ought* to do when facing such contradictory options, both of which seems to be the right one? For it is not hard to sympathize with such an account: all of us have felt something similar – hopefully in less dire circumstances – to Vere's dilemma at some point in our lives, where conflicts arose from multiple moral codes we attempted to apply to the same situation.

An easy answer at the moral universalist's disposal is the one that simply asserts the superiority of one of these codes over the other, but, interestingly enough, the reasons for such an answer can be used equally well to support a relativistic conclusion. The relativist insists on the denial of this superiority, claiming that no matter how someone finally answers the question of what she ought to do in such situations, it could never function as a recipe for others to follow in her footsteps. "When, in answer to such a question, a man says 'This is what I ought to do', there is nothing in the meaning or use of the word 'ought' which logically commits him to accepting as a corollary: 'And anyone else in a situation like this ought to do the same'" (Winch 1972. 161)

The reason for this lies in the identification of the so-called "moral components" of the situation at hand. If I am bound to the view that our legal codes are to a large extent the formalizations of our general moral values, then my "moral perception", so to speak, would let only those components of the situation through its filter that can stand up to such scrutiny. In Billy Budd's case, these are the following: a crime has been committed and a man has been killed because of it. According to our legal codes, such and such a misbehaviour is punishable with such and such a sentence, *and that is it*. That is what I ought to do: condemn the accused, since he is indeed guilty. Any further considerations should fall out of the scope of my moral judgement.

Vere's other option, however, sheds light on a different kind of "moral perception", one that, while perfectly capable of taking matters of legality into account, extends its visual field to also include those circumstances that are hard to formulate as referring to exact matters of fact. Empathy towards the feeling of being ashamed, a general idea about human dignity and human nature itself (however non-theoretical these might be) are all parts of the moral domain in this case, and in specific instances they may also be able to overwrite judgements based solely on the former criteria.

The moral universalist, should she claim that the penal code tells exactly what Vere ought to do, commits herself to the first kind of moral perception, which practically guarantees that her position would be a universalistic one. What the relativist attempts to point out in such cases, however, is the functioning of precisely this perception: our moral judgements are dependent on what we take to be the case, morally speaking. But what we take to be the case, in turn, depends on what passes through our filters of morality, which can be (and regularly are) multi-dimensionally refined. Conflicting judgements do not result in such severe consequences all the time, but that does not render them less interesting philosophically. This version of moral relativism (MR2) therefore asserts that discrepancies between our moral judgements can arise against shared cultural backgrounds as well. Moreover, their tension could not be resolved with an appeal to apparent universalistic features, for these features are apparent in the sense that they merely appear to be universalistic for our moral perception, which could itself be relative to many different things – our upbringing, our recent histories or our social status.

Note, however, that while MR1 is perfectly compatible with MR2, and one could easily occupy a relativist position on both accounts, it is not necessary to do so. Just as there is nothing in the usage of the word "ought" for Winch that would logically commit anyone else to apply it with the same force that somebody else attributes to it, there are no logical ties binding MR1 and MR2 together. Most accounts in favor of MR1 tell us nothing about individual judgements in the same cultural setting – and morally overdetermined situations like Vere's dilemma above do not refer us to cross-cultural problems of differing moral codes. It should also be clear that the term "cultural relativism" has nothing to do with the latter kind of considerations, as to consider something culturally relative presupposes that we are dealing with at least two different cultures.

How to accentuate the difference?

While most proponents and opponents of moral relativism equate it with cultural relativism, it is misleading to take these notions to be identical. Ottfried Höffe (2010), upon arguing against relativism in its cultural sense, hints towards a distinction to be made between the two possible meanings of MR (see especially Höffe 2010. 20-29). In accordance with his proposed division, the following seems to be the most useful way to accentuate the difference:

MR1 should be deemed “cultural relativism”, since it is mainly interested in highlighting (or denying) that there can be certain norms, laws or values that are not *trans-culturally valid*. These culture-specific instances of ways to live stand in the center of culturally relative accounts of social institutions, customs and practices. MR2 is to be called “moral relativism”, and it should be reserved for investigations into the nature of situations in which opposing sets of moral values prescribe conflicting moral judgements *within the same cultural setting*.

Showing how certain characteristics of human communities are necessary features to take them to be communities at all seems to show us a way out of the cultural relativist’s claims, and persuasively arguing that meeting these criteria of necessity also precludes conflicts on the level of judgements should be enough to convince us that moral relativism is untenable as well. Höffe attempts to provide such an argument – and if we wish to maintain that the cultural and the moral relativist remains justified in upholding her position, it is important to answer the counterarguments at the universalist’s disposal.⁴

Universalist considerations

Höffe argues that when we emphasize the relative nature of certain culture-specific moral judgements, we fail to acknowledge the fact that we are not primarily criticizing fundamental moral values *as such*, but merely their applications to actual events. Regardless of how alien and cruel a given ritual or punishment may appear to us, there could in fact be no functioning communities that do not attach some sort of moral significance to the preservation of human life. What might be radically different between cultures are therefore *not* the fundamental aspects of morality, but merely their culturally specific manifestations. MR1 suggests that the sources of these manifestations (the basic norms) are themselves relativistic, although upon closer inspection they turn out to be largely similar in all kinds of different cultural settings.

Höffe attributes such errors in our judgements to the relativistic nature of our perspectives, not of the moral codes in question: “The first, relative interpretation of cultural diversity turns out to be an illusion of perspective that is exaggerated to the degree that suppresses the elements held in common among cultures.” (Höffe 2010. 24) Once we take our eyes off the so-called “surface-differences” between various processes of moral evaluation and look at the basic norms that give grounds to these evaluations, we will find that certain circumstantial characteristics of the situation are to be blamed for a divergence of practice, not the norms themselves. The route to a restored belief

⁴ Höffe’s account of a proposed universal morality is both recent and radical enough to serve the purpose of representing “the universalist”. These practical considerations notwithstanding, there is a vast literature on debunking relativist claims – more voluminous than there are full-blown relativist accounts. See, for instance, Macklin (1999), Tilley (2000), Boghossian (2006).

in universal morality is straightforward: should these circumstances be accounted for, moral judgements could retain their universalistic character.

This line of reasoning, however, cannot include those conceptions of morality that attempt to account for what is morally right, what one ought to do, *without* respect to the circumstances – of which the categorical imperative is but the most well-known example. Besides that, once we take Höffe's treatment of circumstantial differences seriously, we are left with not much to make moral claims about: when the circumstances are accounted for, and ultimately made to be irrelevant, the differences are not so much explained as they are explained away.

Höffe further argues that if ethics is to inform us about what is and what is not right to do, it should do so based on the similarities of the "human condition", not on specific superficial norms.⁵ Or rather, what we take to be constitutive of the human condition, which also seems to depend on historical particularities and the worldview of a given time period:

"As long as one is convinced, for example, that nature is governed by the gods, whose anger can be appeased through animal or human sacrifice, one doesn't hesitate in the face of a successful harvest or a natural catastrophe to provide the appropriate sacrifice." (Höffe 2010. 24)

However universal our basic moral norms may be, these specific situations make it extremely hard either to perceive them to be such, or to categorically state that one ought to do *x* and not *y* in the given circumstances. The above scenario provides ample ground to argue that neither MR1, nor MR2 could be expelled from the moral discourse based on the human condition alone. It is probably best to address them separately.

MR1: cultures of conflict

The situation described above leaves us with the following command: one life could (and indeed should) be sacrificed in order to preserve human prosperity in the long run. Because both the successful harvest and the occurrence of an earthquake depend on the gods, and we can exert some degree of influence over the transcendent realm, it is our duty to do everything in our power to avoid disaster. A conceptual framework that makes sense of the world by furnishing its various spheres with supernatural beings controlling forces of nature can indeed settle on such a way to *uphold* the universal moral principle of the preservation of human life – not necessarily the life of a certain individual, but human life in general.

Let us take a look now at a radically different conceptual framework, that of contemporary Western civilization, which does not contain references to spirits controlling

⁵ This line of reasoning is also common to most proponents of universal morality. For an earlier formulation, see Gellner (1987).

the weather, but instead makes use of a large variety of meteorological phenomena in explaining why a harvest is successful or not, or why an earthquake happens. In this latter case, the preservation of human life is still taken to be a basic moral principle, but sacrifice could not be considered a viable option to uphold it: seismic waves and cyclones are neither moved by our offerings, nor offended by their absence. Although the core principle in each case turned out to be the same (preservation of human life), the actions that these frameworks make possible (or mandatory) are drastically different. Guidelines to action (to what one ought to do) seem to be located exactly at the superficial level of surface-differences: in the various cultural manifestations of the multitude of similarities. Should we explain *these* away, we would be left with nothing to say about why it is morally right to sacrifice someone in a given culture while it is morally wrong to do so in another.

MR2: judgements of conflict

Looking at the picture from a slightly different angle can also serve to illustrate how moral frameworks fail to single out exactly one way to act in a given situation. Granted, this should not be a problem in itself, but the apparent contradiction where doing both *x* and *not-x* could be considered equally moral (or immoral) can quickly arise once one inspects the possible actions a little more carefully. In our present example, appeasing the gods to preserve the community and preserving human life because of its intrinsic value can both be considered moral obligations. Let us suppose now that circumstances are to blame for the actual differences in the materialization of a universally valid moral principle, and that “the right to life and limb” is a basic ineliminable right throughout all communities.

Our agent, who is determined to act in accordance with the basic moral principles, seems to have two options: she can either a) sacrifice another human being in order to appease the gods (a moral duty), or b) refuse to sacrifice another human being in order to preserve human life (another moral duty). Her final choice notwithstanding, she is definitely facing a moral dilemma, as she is torn between two contrasting sets of values, both of which are there to tell her what she ought to do. She does not need to be confronted with Western civilization and its largely dissimilar ontology in order to feel the pull of two different moral codes somehow encoded within the same system that she shares with fellow members of her community. This dual-faceted nature of the community’s own moral framework is enough to give rise to possible conflicts in judgements within the same cultural setting – underpinning the assumption that accounting for the differences between cultural contexts does not eliminate the threat of relativism altogether. While its success in dealing with MR1 is also doubtful (as I hope to have already shown), it is essentially powerless in conflicts generated by MR2.

Conclusion

I have tried to illustrate how lumping together various types of relativistic objections to a universal morality could lead to the oversimplification of the issue: when we are dealing with moral frameworks that contradict one another, or with conflicting moral obligations within the same framework, we should put some effort into distinguishing the two lines of reasoning from one another. After an examination of how a recent attempt at overcoming relativistic charges could fare when faced with both MR1 and MR2, it is reasonable to suppose that while there are indeed certain basic moral principles that serve as the bedrock of human communities, the so-called surface-differences in their manifestations still leave room for MR1 to be formulated in a modified version that takes into account transcultural similarities (see Wong 2006, for instance). My suggestion would be to reserve the term “cultural relativism” for this alternative formulation, and leave “moral relativism” to refer to the way our moral judgements could be different within the same cultural context (MR2). Since, after all, transcultural similarities may account for much of what is constitutive of the human condition throughout many different cultures, they do not teach us anything about how to properly behave when we are faced with equally right (or equally wrong) ways to act within our own.

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CONTEMPORARY
PHILOSOPHICAL
PERSPECTIVES II.
CASE STUDIES

Multiculturalism and Ethical Objectivism/Relativism

SZILÁRD TATTAY

The Achilles heel of the political philosophy of multiculturalism is the problem of the oppression of 'internal minorities'. What can we say if some minority cultures do not promote certain individualistic values, or reject the idea of universal human rights altogether? Does the repudiation of the group claims to internal restrictions inevitably presuppose a commitment to Western, liberal values, and is it consequently tantamount to ethnocentrism? In this case, we would seem to deny the very principle of 'equal recognition' of cultures, and hence would arrive at an impasse. Or are there some objective, universally acceptable standards of value which do not violate this principle? I will argue in my paper that without at least some element of ethical objectivism as an implicit normative postulate, multiculturalism would be difficult, if not impossible to be sustained and defended.

Introduction

We can approach the phenomenon of cultural diversity from many divergent perspectives: from an empirical: sociological/anthropological/psychological viewpoint, from a normative: moral/legal/political philosophical standpoint, from a pragmatic: political aspect, and so forth. Regarding the judgement concerning the status, foundation and universality of values, while recent scholarship of cultural anthropology, social psychology and intercultural communication is almost unanimously committed to the stand of cultural relativism (cf. e.g. Geertz 1984, Hofstede–Hofstede–Minkov 2010, Bennett 1993), moral and political philosophical doctrines providing a normative basis or framework for multiculturalism show a remarkable heterogeneity in assessing the nature of value systems and judgements.

On the one hand, James Tully clearly and emphatically professes the view that goods and values are internal to each culture and hence are incommensurable. In his book *Strange Multiplicity*, he argues that as a consequence of the irreducible diversity of value judgements, there is no comprehensive, "Platonic" viewpoint or "transcendental" standard beyond intercultural dialogue from which it could be measured (Tully 1995. 24–29, 202–205).⁶

⁶ Similarly, many critiques of multiculturalism take for granted the assumption that ethical or cultural relativism is a constitutive element of the theory of multiculturalism. See e.g. Barry 2001, esp. 261–271 and

Charles Taylor, on the other hand, speaks of the “threat” and “risk” of relativism, and warns that cultural openness, while necessary for understanding other cultures and traditions, should not veer into the questioning of the idea of truth in human affairs. He maintains that even though “it *may seem* impossible to combine objectivity with the recognition of fundamental conceptual differences between cultures”, still, “it is *wrong* to believe that accepting cultural differences requires abandoning allegiance to truth” (Taylor 2002, my emphasis).¹

In my paper, I try to point out certain implicit normative postulates of multiculturalism without which a coherent and viable doctrine of multiculturalism, in my opinion, could not work or even be conceived. I argue that without at least some element of ethical objectivism, the political and moral philosophy of multiculturalism would be difficult, if not impossible to be sustained and defended.

The acid test of multiculturalism: the problem of ‘internal minorities’

The question of ethical objectivism/relativism arises most sharply in connection with the problem of the oppression of ‘internal minorities’ or ‘minorities within minorities’, which can be regarded, in a sense, as the Achilles heel of the moral and political philosophy of multiculturalism. Mainly liberal and feminist critics raised the objection that the majority of a given cultural minority is able to abuse its collective rights in order to oppress the vulnerable members of that minority; it has become one of the most common objections against multiculturalism.²

Perhaps Will Kymlicka in his *Multicultural Citizenship* offered the most influential solution to this problem, also on the ground of political liberalism. Kymlicka strictly distinguishes between ‘internal restriction’ and ‘external protection’ claims of minority groups. While the former type of claim is formulated by a cultural group vis-à-vis its own members, the latter is directed against the larger society.

The first kind is intended to protect the group from the destabilizing impact of *internal dissent* (e.g. the decision of individual members not to follow traditional practices or customs), whereas the second is intended to protect the group from the impact of *external decisions* (e.g. the economic or political decisions of the larger society). (Kymlicka 1995. 35)

279–286.

¹ In Hungarian scholarship Szabolcs Pogonyi sustains a similar point of view. See Pogonyi 2011, 8.

² The classic formulation of this objection can be found in Green 1994. Cf. also e.g. Kukathas 1995, esp. 247–50, and Cohen–Howard–Nussbaum 1999.

Kymlicka insists that although both kinds of claims can be labelled as 'collective rights', they ought to be judged in a completely different way. It is because the principle of inter-group equality cannot legitimize intra-group inequality, and the protection of minority cultures should not lead to the suppression of basic individual rights. As he states:

liberals can and should endorse certain external protections, where they promote fairness between groups, but should reject internal restrictions which limit the right of group members to question and revise traditional authorities and practices. [...] Liberals can only endorse minority rights in so far as they are consistent with respect for the freedom or autonomy of individuals. (Kymlicka 1995. 37, 75)

A delicate dilemma: ethnocentrism or value objectivism?

Kymlicka's answer seems clear and theoretically well founded. But on the other hand, it leads to a delicate dilemma. What can we say if some minority cultures do not favour certain individualistic values, do not acknowledge certain fundamental rights, or even reject the idea of human rights altogether? Does the repudiation of the group claims to internal restrictions inevitably presuppose a commitment to Western, liberal values, and is it consequently tantamount to ethnocentrism and cultural imperialism? In other words, is it equivalent with saying: "This is how we do things here"?³ In this case, we would appear to deny the fundamental principle underlying the theory of multiculturalism, that of 'equal recognition' of cultures, and hence would arrive at an impasse. Or are there any objective, universally acceptable standards of value that do not violate this principle? And if there are some, how can they be justified in a neutral, cross-cultural perspective?

One possible answer to these questions is that liberalism offers a neutral ground on which people of all cultures can meet and coexist. This view is not only problematic because liberal political philosophy, as we have seen, is largely divided on the issue of minority rights. I think Charles Taylor is right in insisting in his classic essay, *The Politics of Recognition* that liberalism does not constitute a potential meeting ground for all cultures, since

it is the political expression of one range of cultures, and quite incompatible with other ranges. [...] [T]his is to say that liberalism can't and shouldn't claim complete cultural neutrality [...] the very idea of such a liberalism may be a kind of pragmatic contradiction, a particularism masquerading as the universal. (Taylor 1995. 249, 237)

³ I borrow this phrase from Taylor 1995, 249, 250.

In a similar vein, Bhikhu Parekh maintains in *Rethinking Multiculturalism* that a multicultural society cannot be adequately analysed within the conceptual framework of *any particular political doctrine*, including liberalism, which

is a substantive doctrine advocating a specific view of man, society and the world and embedded in and giving rise to a distinct way of life. As such it represents a particular cultural perspective and cannot provide a broad and impartial enough framework to conceptualise other cultures or their relations with it. (Parekh 2000. 13–14)

The question of the universality of the idea of human rights

So it seems that in order to escape our dilemma and the charge of ethnocentrism and cultural imperialism, we have to envisage a different solution and find another idea as a candidate for universalization, viz. that of human rights. However, here we encounter the very same difficulty as in the case of liberalism. The question inevitably arises:

Were the classical rights theorists of early modern Europe merely articulating a doctrine that was implicit, if unacknowledged, in all societies? Or is the whole idea of human rights peculiarly a product of Western culture? And if the idea did have a distinctively Western origin can it have any relevance for other peoples? (Tierney 1997. 1–2)

There are good reasons, confirmed by historical evidence, to think that the language of rights is of unmistakably Western provenance. Moreover, contemporary Western human rights discourse endorses certain characteristically individualistic views on human nature and society, and the term ‘right’ often connotes notions like ‘property’ and ‘possession’ (Taylor 1999. 126–130). However, as Taylor stresses, it is essential to distinguish three levels of the concept of human rights: (1) legal forms, (2) norms of conduct, and (3) their underlying justification or philosophy. He contends that although these levels are not unconnected, they ought to be analytically separated (Taylor 1999. 127, 143); therefore, “we can easily imagine situations in which, for all their interconnections, the package could be untied, and either the forms or the philosophy could be adopted alone, without the other.” (Taylor 1999. 129) This is highly important in view of the fact that the “atomistic” and “possessive” elements of the Western rights model is a constant source of criticism on the part of not only communitarian political philosophy but also of non-Western societies. Accordingly, “the legal culture could ‘travel’ better, if it could be separated from some of its underlying justifications.” (Taylor 1999. 126)

If this is really possible, then it might be argued, as the historian of the idea of natural rights Brian Tierney does, that the Western origin of human rights does not a priori pre-

clude the possibility that certain other underlying ideas inherent in right language may prove to have a universal significance (Tierney 1997. 346).⁴ The prospects of the universalization of human rights are further strengthened by the – sometimes-neglected – fact that the Western rights tradition is itself pluralistic and flexible. As Tierney highlights:

We might learn from our history, for instance, to appreciate the variety of cultural contexts within which an ideal of human rights could flourish; [...] the idea of natural rights in its earlier formulations was not one of ‘atomic individualism’; it was not necessarily opposed to the communitarian values of traditional societies. Nor was the idea dependent on any particular version of Western philosophy; rather it coexisted with a variety of philosophies, including the religiously oriented systems of the medieval era and the secularized doctrines of the Enlightenment. (Tierney 1997. 347)

The principle of equal value of cultures

Now let us return to the initial question. Does not the rejection of minority claims to internal restrictions contradict the principle of ‘equal respect’ of cultures? I would answer the question in the negative, on the basis of Taylor’s distinction between the potential and actual worth of a given culture (cf. Taylor 1995, esp. 236). He argues that from the thesis that all cultures should enjoy the *presumption* that their traditions have equal value, it does not follow that all of them must *in fact* be judged of equal worth: “It makes sense to insist as a matter of right that we approach the study of certain cultures with the presumption of their value. But it can’t make sense to insist as a matter of right that we come up with a final concluding judgment that their value is great, or equal to others.” (Taylor 1995. 253–254) Taylor adds that as an alternative to premature condescension, a favourable judgement – in general any real judgement of worth – requires a Gadamerian ‘fusion of horizons’ of cultures and standards, which is a long and complex procedure (Taylor 1995. 252–253, 255–256).

The notion of ‘equal respect’ plays an important role in this respect in another sense too:

When we stand within the moral outlook of universal and equal respect, we don’t consider its condemnation of slavery, widow-burning, human sacrifice, or female circumcision only as expressions of our way of being, inviting a reciprocal and equally valid condemnation of our free labour, widow-remarriage, bloodless sacrifice, and sex equality from the societies where these strange practices flourish. (Taylor 1989. 67)

⁴ Tierney makes his meaning very clear: “Surely in all societies, humans have preferred life to death, freedom to servitude, sufficiency of food to starvation, dignity to humiliation. The rights language that grew up in Western culture was one way of addressing such universal concerns.” (Tierney 1997. 347)

The thesis of incommensurability of cultural values

This statement brings us back to our central dilemma. It is certain that the sceptical view that cultures and values are incommensurable does not provide the best foundation for the acknowledgement of cultural rights. For the thesis of incommensurability and uncombinability of cultural values can be abused to defend practices that marginalize, exclude, degrade or harm people; if cultures are incommensurable, then no neutral standards are available by which rival cultural claims could be assessed and measured. The criticism of whatsoever cultural practice qualifies, by that very fact, as an imposition of alien values, i.e. a manifestation of cultural imperialism (Moore 2005. 275, 277). But are there in fact any cross-cultural moral standards and universal human values? What if the divergent values and forms of life represented by different cultures are, in the final analysis, incommensurable? In the following I present three distinct strategies employed to meet this objection.

In Taylor's view, the hypothesis that the various ways of being human are ultimately incommensurable is possible, but it is doubtful (Taylor 1989. 60–61, 67–68). Thus we can start from the presumption of the universality and commensurability of values:

It may be that our contact with certain cultures will force us to recognize incommensurability [...] But we certainly shouldn't assume this is so a priori. Until we meet this limit, there is no reason not to think of the goods we are trying to define and criticize as universal, provided we afford the same status to those of other societies we are trying to understand. This does *not* mean of course that all our, or all their, supposed goods will turn out at the end of the day to be defensible as such; just that we don't start with a preshrunk moral universe in which we take as given that their goods have nothing to say to us or perhaps ours to them. (Taylor 1989. 62)

Parekh contests moral relativism on the ground of 'minimum universalism' or 'pluralist universalism', conceived as a middle ground between 'relativism' or 'cultural determinism' on the one hand, and 'moral monism' on the other, saying that relativism mistakenly ignores cross-culturally shared human properties, which give rise to some constituents and basic norms of human well-being common and valid to all societies (Parekh 2000. 126–136).⁵ He insists that cultures "do not exist in a vacuum nor are they created *ex nihilo*. They are embedded in, and limited by, the universally shared features of human existence including human nature." (Parekh 2000. 124) Parekh con-

⁵ According to Parekh, common constituents of human well-being include, among others, survival, means of subsistence, physical wholeness, good health, a stable, stimulating and loving environment, access to cultural resources of the community, freedom from arbitrary exercise of power, self-expression, and a certain measure of privacy and control of life (Parekh 2000. 132).

tends that cultural relativists also err in believing that “a culture is a tightly integrated and self-contained whole, can be neatly individuated, and determines its members.” (Parekh 2000. 127)

A much weaker claim is made by Margaret Moore:

The ostensible relationship between plurality of values, radical cultural relativism and jurisdictional control over one’s own culture is quite tenuous [...] radical cultural and moral relativism does not necessarily follow from the recognition of multiple cultural values and the problems in ranking such values. (Moore 2005. 276, 277)

She takes up the argument of Judith Shklar’s book *The Faces of Injustice* (Shklar 1990) that even though it might not be possible to agree on what justice consists in, to specify all the values of good life, or to produce a full-scale ranking of diverse human values, it might be possible to identify what is morally evil. It is possible to acknowledge that there are certain evils – e.g. unnecessary death, human suffering and cruelty, degradation, humiliation and physical harm – that any moral system should recognize and prohibit (Moore 2005. 276–277).

Conclusion

Despite their obvious differences, all these claims point in essentially the same direction, namely to the conclusion that the thesis of incommensurability of cultures and values, which usually underlies the position of cultural relativism, is at least debatable. And this in turn appears to support the view that it is, after all, possible to identify certain cultures as more valuable – i.e. contributing more to general human well-being (or bringing about less evil) – than others, and to discredit moral relativism as an inappropriate foundation of multiculturalism, considering that it can tolerate some cultural practices that are unacceptable in terms of a basic minimum of human functioning (Moore 2005. 277). Thus the die is cast, and a strong case is made for ethical objectivism as a hidden or implicit normative postulate of multiculturalism.

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Lifting the Veil of Relativism

RENATA KATALIN SMITH – JOSÉ COLEN

This paper argues that relativism prevents discourse, positive interaction and the growth of understanding since relativism eliminates the possibility of doubt and, subsequently, reason. Conversely, pluralism supports the concept of a universal moral claim in that we can only understand a fragment of the universe, but through dialogue, can advance towards greater understanding. This approach allows human beings in a multicultural society to move away from bigotry toward understanding and create a “we” rather than an “us” and “them” mentality. A continued claim of the validity of relativism would only hinder this process. In a more positive vein, we will also try to review some logical and pragmatic arguments that suggest how relativism can be overcome and universal moral rules can be defended without hindering pluralism.

Introduction: relativism defined

In attempting to refute relativism, it has frequently been argued that relativism refutes itself. In other words, if relativism in a relative world can only be one of the many possible truths, it in effect renders itself relative. We argue here that this critique of relativism, although true, is by far neither the only nor necessarily the strongest refutation that should be used. There are several other challenges that relativism faces and a careful critique and consideration is therefore necessary to discuss these challenges.

First, we must consider what relativism is. Relativism, *lato sensu*, is not a singular philosophical doctrine. Instead, it encompasses a family of doctrines, all considering “that a central aspect of experience, thought, evaluation, or even reality is somehow relative to something else” (Swoyer 2014). Relativist doctrines depend on the individual’s perspective, because no object corresponds to judgments, preferences, emotions or worldviews of a man or a group, so it makes no sense to speak of truth or falsehood (Cf. Berlin 1990/2013. 80).

A comprehensive set of categorical definitions can be found by breaking relativism down into two main categories, namely, that of a ‘moral doctrine’ and ‘metaethical doctrines’ (Tännsjö 2007. 124). Within the metaethical kinds of relativism, there are positive and negative forms of relativism. The negative forms are “nihilistic” since “there is no moral truth...there exist no moral facts...there are no moral propositions whatever” (Tännsjö 2007. 124). The positive forms include semantic, epistemic

and ontological moral relativism, all of which posit that there are many moral truths (Tännsjö 2007. 125).

Relativist motifs often rely on the foundation of a “truistic” (Swoyer 2014) premise. This foundation claims that a thing may be true within a certain context – or framework – and that the same thing may be false within another historical context, that it can be true or false for some groups and in some historical periods, but not for others. Truth is relative to a framework of concepts, norms or practices: “truth is relative because meaning is contextual and being is relational” (Taylor 1978. 41). Different individuals may still come to differing conclusions since they “inhabit different moral (socially constructed) universes” (Tännsjö 2007. 125). Even the narrowing of relativism as an umbrella term to focus on modern relativism, it is still a broad term that encompasses many different strands of thought and different fields, including: cultural relativism, political relativism, scientific relativism and moral relativism (Swoyer 2014). Whether looking at positive or negative relativism, there is no universal objective truth. All forms of relativism rely on social construct and historical context as determinants of an individual’s perspective.

Relativism is important in discussions across various disciplines today, because morals have become a part of a theory of good instead of belonging to the sphere of practical action of the agent. In the context of relativism, one’s own morals can only be accurately seen from his/her own first-person perspective, like a policy from the viewpoint of the agent who created it and not an observation of the same policy from a politician in another hemisphere, or an observer from Mars. An individual decides what is right or wrong from the context of his/her own framework, but because there are many truths, he/she cannot accurately understand another’s moral framework. However, placing morals within a greater theory of good counters this agent-centered viewpoint. Debates concerning relativism have thus arisen in political science, ethics, theology, sociology and even philosophy. Across these disciplines several prominent challenges to relativism have become apparent.

These challenges can be divided into three categories: logical, practical and unexpected consequences. Firstly, analytic challenges dealing with self-refutation and empirical problems create dilemmas for the philosophical possibility of relativism. Secondly, relativism is impractical and virtually impossible in practice concerning policy-making in a multi-cultural society – for example, immigration can add to this impossibility. Thirdly, relativism can lead to unexpected consequences that pose a societal danger by creating a clash of irreconcilable differences between or among cultures that may in fact hamper tolerance and deter peace.

Logical challenges

A common critique of relativism, only briefly touched on here, is that relativism simply refutes itself. If everything relies on social constructs and historical context then moral relativism as a theory is a product of Western society in a post-war, twentieth century historical framework. It follows that relativism might be true for post-war twentieth century society but cannot escape losing relevance in other contexts and eras. Relativism thus faces the problem of being relative. This historical context is integral to relativism and in this particular incarnation it is called historicism. German historicism maintains three conclusions that implicitly lead to complete relativism: 1) it is impossible to define universal norms of conduct, 2) all ethics are expressions of social structures and 3) one cannot rationally define duty, “what to do or want” (Aron 1938/2006, 372). However, historicism is not an isolated declaration; it is a trans-historical vision that exempts itself from the verdict on the precariousness of human thought. Instead it transcends the cycle (Strauss 1953. 25).

A radical, existential historicism, like that of Heidegger, responded to Nietzsche’s denial of the trans-historical nature of the historicist thesis, rejecting any possibility of objective analysis, because all life is commitment.

Philosophy [...] presupposes that the whole is knowable, that is, intelligible. This presupposition leads to the consequence that the whole as it is in itself is identified with the whole in so far as it is intelligible; [...] it leads to the identification of “being” with “intelligible” or “object”; [...] The presupposition mentioned is said to have its root in the dogmatic identification of “to be” in the highest sense with “to be always,” [...] The dogmatic character of the basic premise of philosophy is said to have been revealed by the discovery of history or of the “historicity” of human life. [...] “to be” in the highest sense cannot mean – or, at any rate, it does not necessarily mean – “to be always” (Strauss 1953. 30-31).

It played a key role that radical historicism could deny the trans-historical character of its doctrine. Nietzsche’s attack on nineteenth century historicism shows that historicism devalues all global visions of the world. It creates impossibility because it would destroy the “protecting atmosphere within which life or culture or action is alone possible. [...] The theoretical analysis of life is noncommittal and fatal to commitment, but life means commitment” (Strauss 1953. 26). Followers of historicism define thinking as essentially subservient to life. Such arguments of self-refutation have sprung up again and again in opposing historicism and the various forms of twentieth century relativism.

Self-refutation is not the only problem inherent to relativism. A problem arises from the main root of cultural relativism itself: the conception stating that morality is relative

because it is contextual or a social construct. The radical relativist viewpoint describes the rigidity of frameworks and the paradigms that prevent meaningful communication with ‘Others’ considerably different from ourselves: “we are prisoners caught in the framework of our theories; our expectations; our past experiences; our language” (Popper 1970. 56). The frameworks in which we are imprisoned are the individual’s environment, the historical context, cultural influences and innumerable other factors. This contextual element creates the framework for an individual to draw conclusions and make moral judgments as to what is right and what is wrong. An inherent problem exists in this framework, namely, “notions of incommensurability appear to rest on the assumption that frameworks are totally closed and unchangeable” (Young 1997. 499).

This closed framework concept is paradoxical. By stating that an individual’s framework is subject to factors such as environment, language, religion and historical experience, cultural relativism admits that human beings are shaped and influenced by their surroundings and time period rather than by a genetically inherited framework. This implies that a radical relativist would agree with the argument that there are in fact “no innate principles or ideas” (Locke 1690/2013. 27-85). By conceding to a *tabula rasa* notion of a newborn human being and that the individual subsequently builds a moral framework according to the surrounding environment and era, the relativist faces a fundamental contradiction. If individuals can be shaped, at what point does the social construction stop; at what point do individuals stop learning from each other? In countering ethnocentrism, moral and cultural relativism do so through a “postmodern retreat from any epistemic judgments. In such a view, it is not possible to speak of cultures ‘learning’ from each other” (Young 1997. 501). But this is inherently impossible if a human being’s moral framework is developed through exposure to other human beings in a specific society.

Discoveries in anthropology and other social sciences – including history – support the idea that no single moral value was ever shared across tribes and civilizations. Strauss summarizes this view by expressing that no examples exist where principles of justice have not been denied in a certain society or culture¹ (Strauss 1953. 9). However, can one deduce the diversity of law from *de facto* diversity? (Aron 1938/2006. 370). The historicist argument impresses us because it presents itself as extremely plausible. The plausibility of historicism comes from the opposition of past dogmas: “No component man of our age would regard as simply true the complete teaching of any thinker of the past. (...) It is reasonable to assume that what has invariably happened up to now will happen again and again in the future” (Strauss 1953. 20-21).

However, the “experience of history” at the base of historical relativism is nothing but a “bird’s-eye view of the history of thought” (Strauss 1953. 22) because historical knowledge is always fragmentary. Instead, rather than legitimizing historicism, history

¹ However, he objects that no one has shown this refusal to always be justified or even reasonable.

itself proves that fundamental themes and problems persist within all philosophical thought. This “unchanging framework” (Strauss 1953. 23) is incompatible both with differences in approach and with the diversity of solutions in different epochs. Only if the responses to these problems were “essentially” (Strauss 1953. 23) contradictory and none of them were greater or more important than another might one infer that we cannot solve any problem in a universally valid manner.

Relativism claims that although natural right must be universally recognized by human reason, the social sciences show that an infinite variety of conceptions of ‘right’ exists. Therefore, there are no immutable principles of justice. An extreme consequence would be to assert that moral decisions are beyond the competence of reason and reason allows for an equal defense of truth and good or misdeeds and atrocious conduct (Strauss 1953. 42). Reason loses its force. If we are capable of passing judgments only inside our own social framework, and all other actions outside of our social construct are relative to their own frameworks, we are unable to truly observe and evaluate these actions or even compare them to others. The basis of relativism is, in fact, more profound, namely, a disbelief in the very possibility of knowledge of what is naturally true or right. Reason presupposes a chance for legitimacy and a possibility for falsehood and doubt. Reason implies that there is some element of doubt that allows us as human beings to observe, question and evaluate before drawing conclusions.

Finally, a simple empirical observation reveals that nobody actually lives his life as if all of his life-choices were of equal moral value or truth-value. Reason and self-evaluation of our own moral frameworks influence our thoughts as to which moral goods or values we personally deem superior or inferior and we consciously or unconsciously rank their importance. This would suggest that even if relativism were logically valid, it was existentially impossible.

All these considerations may appear philosophical and abstract, but now we turn to some practical examples and to the consideration of real unexpected consequences that challenge relativism.

Practical challenges

It is true that relativists are right to challenge universalist claims and note that “there is value in recognizing that universalism is sometimes a cover for cultural imperialism, that agency is something we struggle for [and] that identity is not as simple as the stories we prefer to tell about our subjective formation” (Young 1997. 498). However, applying these notions to practical policy-making is unrealistic. Domestic policy-making in diverse societies would be difficult, if not impossible, if it relied on the validity of relativism. For example, immigration poses a problem for relativism, because different cultures may clash.

Although we mentioned above that no individual leads his/her life as a true relativist, relativism injects itself into Western discourse particularly through multiculturalism. Immigration today often becomes tied to multiculturalism. The West has become sensitive to multiculturalism due to the history of the first half of the twentieth century. The legacies of the Holocaust, colonization, segregated America and apartheid have all added to the call for tolerance in an increasingly culturally mixed society.

Therefore, several questions arise when dealing with policy-making in diverse societies. First, is it possible to define socially constructed boundaries or are they relative as well? For example, if socially constructed boundaries can be defined by a set of criteria resulting in a variety of significant minorities in a democracy, can legislation be drafted to incorporate immigrant groups, and if it can be, then how? If the government decides that the native culture should determine which legislation should be adopted to enforce what is right in the native culture, cultural domination occurs and the relativist claim to multiple truths is thrown aside. However, without the option to compromise, drafting legislation must rely on the governing culture. If the government were to draft loose legislation that could be interpreted by the various groups living within the state or city, the government would risk facing the problem of a minority group with practices and/or beliefs that were irreconcilable with the governing culture. In this situation, it cannot be upheld that “warrantable judgments across cultural boundaries can never be made, if only because the failure to act is itself an action that may have unacceptable consequences for other people – consequences which are unacceptable to us” (Hatch 1997. 374). That is evidenced that actual political and societal polemics about issues such as arranged or forced marriages, honor killings, acceptability of the physical punishment of children, child labor, headscarves, female driving and requirements of attending school have all been elements in debates in the West. Since there is much literature debating human rights issues as well as controversial actions such as honor killings or practices of female genital mutilation, we will not discuss these issues here. Rather, we have chosen to briefly mention a topic that is possibly more far-reaching and less controversial: education and education policy. Considering the concerns mentioned above, how can a state develop education curricula and policies in a diverse society, especially in minority dominated regions?

By asking this question, it becomes apparent that diverse societies face this challenge even when it comes to less controversial issues like school curricula. We have chosen a mild example for the purpose of demonstrating how this challenge can even arise in something as basic as sports class requirements. For example, in Austria, all students are required to take swimming classes as part of the school sports curriculum and are typically co-educational. With an influx of immigrants from Muslim countries, especially from provincial areas of these countries, this aspect of the education curriculum is being challenged. Should Muslim girls be forced to partake in these swim classes if the co-educational element combined with the required clothing is problematic within

these cultures and moral frameworks? Rather than adopting a relativist viewpoint, the government opts for a compromise by holding that all students are required to learn how to swim and religious exemptions cannot be obtained, but that students can adapt their swimming dress to fit Muslim standards². Similar issues remain a point of debate in several EU countries and they only become more complicated if we are to consider discussing an educational subject such as history, especially as more and more cultural or moral viewpoints enter the spectrum. The more diverse the society is, the greater is the challenge in creating legislation. Relativism does not allow for debates and compromises, since an individual is locked into his/her own framework. Therefore, relativism cannot offer a solution to challenges faced in policy making in diverse societies.

Relativism can result in unexpected consequences. If one is not able to distinguish the truth from what is false, justice from injustice, science cannot proceed to an instrumental analysis that we, generous liberals, decided to use to measure the service of democracy. This leads to potentially disastrous consequences: the hypothesis that because we are not able to examine the ends (since all choices are only blind preferences) but solely the means leads to accepting existential commitment and facing absolute nothingness.

Why simply accept with relief that which leads us to deny what is true, good and just and to receive with respect all cultures that tolerate others? The arguments in favor of tolerance are weakened if the choice of tolerance is only a choice among other possibilities, as blind as any other.

Such a view is supported by three axioms that are seldom discussed: 1) the impossibility of knowing goodness or justice, 2) the passionate rejection of all absoluteness, and 3) the equality of all cultures which have a respect for diversity, without qualification. These axioms apparently silence the voice of reason (Strauss 1953. 6-7).

How can anyone seriously assert that exclaiming that something "is simply part of a group's culture" or "within their values" serves to further justice and continuity? In the nineteenth century the Maori of the North Island of New Zealand conquered the Chatham Islands, inhabited by the Moriori, people of the same origin from a thousand years before. The Maori had adopted a warring culture, whereas the Moriori had adopted a peaceful culture. The Maori, according to their custom, captured and killed the entire population, hunting down any that attempted to flee. The Moriori could have retaliated, but instead prepared a negotiation based on resource sharing. The result was greater carnage (Barry 2002. 253-254). This example brings into question the idea that a world in which all adhere to their own standards would necessarily be peaceful.

There are situations in which ethical relativism is untenable, for it may lead to moral neutrality and inaction in situations that are intolerable.

² „Schwimmen, als Teil des Lehrplans, sei grundsätzlich verpflichtend, allerdings nur in der Volksschule. Geschlechtertrennung im Islam spielt jedoch erst ab der Pubertät eine Rolle. Wenn die Eltern dann ihre Töchter vom Turnen oder Schwimmen befreien wollen, reicht eine religiöse Begründung nicht aus.“ – Herrner

Ethical relativism is mistaken when it calls for us to be nonjudgmental in relation to such issues as political executions, genocide, genital mutilations, honor killings, and the like (Hatch 1997. 372).

Acceptance of moral relativism becomes more difficult when claiming that acts of utter violence are simply ingrained within another culture's practices and traditions.

Pluralism

We argue that by turning to a critical pragmatist-pluralist approach we can address the concerns raised by the challenges to relativism mentioned above, while continuing to recognize that societal and individual differences do exist. Although the process is neither simple nor would we label it as easy, these differences can be bridged and the human learning process does not bluntly halt at some unspecified point in an individual's life.

We are "prisoners caught in the framework of our theories..." (Popper 1970. 56), but it is possible to break out of this framework if we try hard enough. We then find ourselves in a yet bigger framework, out of which we can move with effort. Relativism's claim that individuals cannot learn or talk to one another is absurd since

[relativism] simply exaggerates a difficulty into an impossibility. The difficulty of discussion between people brought up in different frameworks is to be admitted. But nothing is more fruitful than such a discussion; than the culture clash, which has stimulated some of the greatest intellectual revolutions (Popper 1970. 56-57).

Fruitful interaction does not have to be limited to a "culture clash" that results in a scientific or "intellectual revolution" (Popper 1970. 56-7). In fact this concept can be – and has been – taken much further. Fruitful interaction, or dialogue itself, is an integral element of human reason. Whereas radical moral relativism leads to a breakdown of reason,

Dialogue is always dialogue within and at the margins of a tradition, an institutional order, a culture. Immanent critique is immanent to a historical process and its transcendental capacity is incremental. A process of trial and error and intelligent (Dewey's favorite word) adaptation is the way we can transcend contemporary problematics, but this is a perennial process, and transcendence only relative, yet a way of life in a learning society (Young 1997. 500).

Critique and self-critique are necessary elements of human reason. However, ensuring that the critiquing process is meaningful and not superficial requires meaningful interaction. Dialogue does not imply disrobing relativism and replacing it with universalism. Quite the contrary, rather than disregarding cultural and moral differences, a "pragmatic-pluralist" approach "acknowledges the relational – not relativist – character of cultures but allows for intercultural critique" (Young 1997. 501).

This further applies to concepts of functioning communities, democracy and allows for drafting improved legislation. Dialogue becomes more important than finding a unified social framework on which to base laws. Discourse towards a substantive common interest matters and unanimity will not be achieved. Instead, political decisions will always be and should always remain contested (Pitkin and Shumer 1982. 47-48). Although this notion is commonly accepted within democratic pluralism, and it is perhaps an obvious answer to drafting legislation for a diverse society, the dialogical concept plays a role of growing importance in conflict resolution and conflict prevention, and is necessary for continued social learning and mutual understanding that both enable functional societies.

The aim of a dialogue is to reach mutual understanding. This is what separates dialogue from simple conversation. Although many theorists who discuss dialogue would not agree on the details of one another's theories, it is apparent that many can agree on using reason as the basis for dialogue to be able to reach greater understanding. This aim is the basis of all social reason and is supported in different ways by various theorists (Berger 2011. 36, Bernstein 1987. 519, & Verkamp 1991. 103-115).³ Peter Berger offers perhaps the most realistic theory of dialogue. He puts forth the needed pre-condition and conditions for meaningful dialogue among religious traditions. Although these conditions require that one remain open to the possibility of changing one's own beliefs in a dialogical encounter, this neither means that this is the goal nor the purpose of dialogue. The goal is to create better understanding, which can help bringing about a more sustainable co-existence. Berger's concept for interreligious dialogue can be used as a basis to create dialogue on differences in morals. The pre-condition remains true, in that an individual must be willing to enter into a dialogical exchange. However, some of Berger's conditions only apply to interreligious dialogue. Therefore, to create dialogue on morals, the conditions will slightly differ. First, an individual has to accept the possibility of a change in personal perspective; in entering a dialogue, we might change our own minds. Secondly, it is important that you are able to differentiate the core of your own view from the diversity of peripheral interpretations. Third, much dialogue looks toward reaching areas of agreement. However, this agreement does not imply that an individual loses his faith or his moral framework. Agreement can occur in areas of commonality while still allowing for big differences in individuals' morals⁴. Fourth, the 'Other' should not be

³ For example, Hans-Georg Gadamer portrays dialogue's aim as the basis of all social reason and despite the lengthy debate between the two, Jürgen Habermas agrees with the essential element of Gadamer's definition of dialogue differentiating between "what he calls "communicative action" that is orientated to mutual understanding from the type of "purposive-rational" action that is orientated toward success" (Bernstein 1987. 519). John Hick's "Copernican Revolution", although controversial and disputed, serves as yet another example of a scholar promoting a theory based on the pretext of human beings using reason to reach greater understanding (Verkamp 1991. 103-115 & Berger 2011. 36).

⁴ Dialogue serves to create understanding of the 'Other' and the 'Other's' point of view to improve coexistence. This often relies on finding common ground, but does not imply an implicit adoption of the 'Other's'

seen as an enemy (Berger 2011. 50-82); however, we claim that this condition does not necessarily apply to conflict prevention and resolution. Although the lack of condition four slows the process, thereby creating a smaller initial impact, impact is only achieved through persistence and continuous engagement over many years.

Some elements may, at first glance, seem unsatisfactory to an idealist, namely, that religious fundamentalists and radical relativists will not be found at the dialogical table; fundamentalists and relativists “both embody a rejection of reason – for the pursuit of reason implies both the possibility of truth *and* the legitimacy of doubt” (Berger 2011. 42). However, the plausibility of dialogue under the conditions outlined above is considerably more realistic and applicable to society. This pluralist dialogical approach maintains an element of doubt while addressing the difficulties that relativism presents concerning social change and practical policy application as well as prevention of violence.

Finally, before turning to our conclusion, we will briefly touch upon the possibility of a universal morality within pluralism. Relativism rejects the possibility of a universal morality and universalism because they defend that there are morals shared by all mankind, usually turning to basic human rights – the right to life, shelter, food, etc.

Pluralism handles universal morality differently. Rather than claiming the undeniable existence or absolute impossibility of a universal morality, pluralism presupposes the existence of certain universal morals or values to work. Pluralism assumes respect for expressing one’s views and respect in listening to another’s. Pluralism in this form also assumes a desire to learn, reason and improve, as well as an acceptance of questioning one’s own values, a “belief” in the possibility of doubting. To function, pluralism requires some form of a universal morality for individuals participating within a pluralist society. However, this does not mean that the existence or establishment of a universal morality is probable or even possible. The conditions of pluralism require a willingness of an individual to participate in dialogue and an acceptance of the fact that the individual might change as a result of this dialogue. This naturally eliminates the participation of dogmatists, radical relativists and anyone unwilling to participate in a society based on pluralism. These individuals would not be included in any shared values or morals that are prerequisites for pluralism. As it would be virtually impossible to convince them or to impose on them the necessary elements of pluralism, if pluralism requires voluntary participation then a universal morality is logically impossible.

culture or beliefs – e.g. in the context of religion, that there are similar passages to the Golden Rule in many religions, but that does not mean that these religions share all of the same beliefs or that they should do so. Despite looking for commonalities, it is equally important to recognize that “it is just as important to say no as it is yes” (Berger 2011. 76-78).

Conclusion

Relativism encompasses many theories and holds a variety of specific definitions that stem from the weak and obvious fact that all things relate to something else. Radical logical or moral relativism imply that there is no truth, no perennial questions, or anything good or evil to an individual, because everything depends on the individual's framework. This claim is vulnerable to self-refutation, but we presented here additional challenges inherent to the logic of relativism. Rather than to summarize, we would like to reiterate the questions that these challenges pose: When and why does the social construction of an individual end? And how can we understand cultures outside our framework?

However, our main goal has been to present some practical problems that arise within a multicultural society by focusing on immigration and education. Globalization has changed the reality of many places in the world today by increasing contact among different cultures. Holding on to the relativistic claim that an individual's morals and values are 'right' only within his/her own framework can make policy development and implementation impossible.

The most alarming is that unexpected consequences may follow from relativism, especially in its radical form because it can justify violence or atrocities as a moral element of a specific culture. Holding on to the relativist perspective also prevents societal improvement when cultures clash concerning irreconcilable differences, and it could possibly lead to unrest.

We have briefly presented pluralism not only as a more sound, but also as a more realistic alternative to relativism. Pluralism heeds the notion that human beings have frameworks that are sociologically developed. However, these frameworks are neither necessarily fixed nor left unchallenged as 'right' in their own context. A pluralistic view solves some paradoxes in relativism since recognizing reason promotes communication and reconciliation and grants the possibility of discovery processes. This does not always make policy-making, conflict prevention or conflict resolution easy, but it creates a platform for compromise. In other words, dialogue is a path leading away from several dangers inherent to relativism. However, pluralism does not require a universally recognized morality, in fact, as a consequence, sometimes excludes those unwilling to participate in dialogue.

The role dialogue plays is to better understand the 'Other' and the 'Other's' point of view, to better be able to co-exist with different cultures. This does often rely on finding common ground – e.g. in the context of religion, that there are similar passages to the Golden Rule in many religions – but that does not mean that these religions share all of the same beliefs or that they should (Berger 2011. 76-78).

There is no way to force individuals to engage in a dialogue about their convictions. Only people willing to do so and who accept the possibility of compromise can be brought to the table, but co-existence should not, in fact, depend on weakening people's faith or moral convictions. After a dialogue encounter, an individual is still able to use reason to decide for him/herself. Without this inclusion of reason, truth and justice become merely a matter of taste: "I like my coffee with milk and you like it without; I am in favor of kindness and you prefer concentration camps" (Berlin 1998/2013. 14).

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Morality and Empathy in the Digital Age

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A recurring element of theories concerning the origin of morality is that the human ability responsible for following rules is connected to empathy and solidarity towards others. The cognitive sciences reveal that this capability is largely dependent on social development, the gradual formation of social behaviour and of behavioural control; and the results of contemporary neuroscience show what are those neural structures that anchor the sense of empathy and describe their specific characteristics, their developmental peculiarity. In addition to “moral sense”, empathy is a high priority in cultural togetherness, in elementary conditions of identification with the community. Through the change of environmental parameters (through restructuring of social relationships, direct personal relationships split by media and the fundamental cultural changes resulting from it) the development occurs in other, imperfect ways. The presentation provides an overview of these changes and of their consequences, and attempts to define the contemporary challenges of ethics with reinterpreting communication based on digital devices, empathy, and belonging to a community in a digital environment.

In the twenty-first century's societies, universal morality, that is, the issue of universal standards independent of culture may be raised in a different form than it was discussed before in the history of ethics. Whether it is social contract theories, whether Kantian or utilitarian ethics, values had been defined based on preferences and ideals; in contrast, the evolutionary theories grounded in natural history – which were formulated in various forms in the last decades –, examine normative behaviour based rather on its adaptive value. These theories have to overcome different obstacles than they had to in the past, such as naïve adaptationism or the conflict of individual and group levels. This study focuses on two main issues: 1. Can the evolutionary theories of normative behaviour (and their psychological and neural foundations in cognitive science) provide a reasonable explanation for the issue of universal standards? 2. How are the universal standards to be kept when influenced by the environmental changes, the appearance and spread of the digital environment, the increasing migration of communication and social contact to the virtual medium?

Two main sources for universal norms open up in the history of philosophy: the revealed religions (and of course the associated theological interpretations), and the various theories of values. The novelty of evolutionary theory is the foundation of uni-

versality in biology, in the history of human nature, broadly following the methodology of science. Various descriptions of cultural evolution also fit well into the series. The criterion for norms is the survival and reproductive success in a given environment (or otherwise: adaptive value), which can be examined on levels of the individual, the group, or the species. The biological foundation also means the neural aspects of behavioural features, that is, the detection of neural structures as basis for the various forms of behaviour in the light of values.

Perhaps the *raison d'être* of this approach needs no further arguments now (however, there still remain some important open questions). Nevertheless, the generalizations of Social Darwinism in its explanations of the social evolutionary processes are objectionable and rightly questioned – and they have shed a bad light on the overall evolutionary approach to social and cultural processes –, the theory of evolution offers today a comprehensive option to explain the whole of human phenomena in a unified framework. This means that the adaptive processes are discernible both in natural, social, cultural, and even in technical development. Thus, it is a plausible possibility to lay the foundations of moral behaviour in evolutionary processes as well.

Decades earlier, Konrad Lorenz was among the first to suggest that observing the behaviour could lead to a better understanding of the norms and values as well – and interestingly and thought-provokingly, he comes to this conclusion even while arguing with the Kantian ethics of duty. The consistency of Kant, the rigor of universal norm can lead to the thought that people helping others only out of obligation, not out of love (or affection, or emotion) can be virtuous. Lorenz draws attention to the fact that we would appreciate those of our fellowmen who make our lives easier not only out of cold duty, but whom we can count on unconditionally at any time through their emotional attachment (see Lorenz 1983, 1984). Thus the universality of moral judgments is to be explored not only in the philosophical-theoretical constructions, but also in human nature. Based on the behavioural foundations, the primatologist Frans de Waal develops this idea further, giving a remarkable description of the moral judgment by introducing three levels in the analyses of the differences between animal and human nature (de Waal 2006). Emotions that may impact moral decisions (which are also referred to by Lorenz), such as loyalty, reciprocity, fairness, compassion, or on the negative side, revenge, retribution, punishment, can be found on the lowest level. The second level consists of social pressures to follow the norms and rules, reinforcing the togetherness in the community through rewarding the positive and punishing the unfavourable behaviour. Finally, moral judgment can be found on the highest level, which contains the abstract norms of expected behaviour (of course also applied to their own behaviour), as well as the act of thinking about those norms. The bottom level can be found almost entirely in primates, the central level partly in primates and humans, but the top level can only be found in humans. The levels build on each other, so all of them should be taken into account in an explanation of the standards. There

are many examples for the application of this view in evolutionary psychology, cognitive ethology and cultural anthropology (see e. g. Eibl-Eibesfeldt 1984).

Evolutionary explanation of the moral principles in the light of accelerating technological and social development, however, raises an interesting question. If we assume that our moral principles have a long evolutionary prehistory, so their change can only be achieved on the time scale of biological evolution, can they remain to be valid in the case of advanced mass societies? Evolutionary psychology identifies the modern man's mental features largely with those of their hunter-gatherer predecessors. That is, in essence, these characteristics can be seen as adaptations to the natural and social environment of that time. However, the present environment is far removed from it. The change seems even more crucial, if the specific features of the digital environment are also taken into account, since people today spend a significant portion of their time in this particular environment. Are the psychological characteristics of the individual changing through the stimuli which are present here, and that are completely different from its previous environment?

For an appropriate response it is necessary to investigate the neural structures on which these psychological properties are based. The evolutionary theories of social behaviour strongly argue that the "nature versus nurture" dilemma can be resolved if both sides are taken into account; that is, the mental skills shaped by evolutionary processes can develop fully only under the right social stimuli. On the neural level, it means that the neural structures defined by genes are able to build up the synapses and establish the processing paths only in the presence of the appropriate input (stimulus), which can be gathered in a social environment. This is the point where a significant change in the environment can cause neural and, consequently, mental changes in the shaping of social behaviour.

When the news of the discovery of mirror neurons in the '90s spread in the scientific community, many researchers immediately tried to use them to explain a number of issues and activities that they could not properly handle in the framework of earlier theories. This is what usually happens after a seemingly revolutionary scientific breakthrough: the explanations are overstrained, and the discovery is also used in areas that are not strictly related to it. Thus, the mirror neurons quickly appeared in learning theories (imitation), in the coordination of social behaviour (the following of rules), in the theories of mind (abstraction), in the inter-subjective understanding, but only on some domains of neuropathology, such as the explanation of the neural bases of autism. Thus arose the possibility that they can play an essential role in the development of empathy as the neural basis for the emotions – and for moral behaviour.

In a broader sense, the mirror neurons are perhaps the most important components of being human, as they serve as the neural basis for the development of culture. Imitation, intentional teaching and learning, inheritance – and, of course, language – could not exist without culture (cf. Ramachandran 2011).

It is known that the mirror neurons are nerve cells that are active both when performing an action, and when seeing the action performed (see Iacoboni 2009). Consequently, they can act in two important roles. On the one hand, they link perception to the action, allowing us to better imitate the acts or gestures of others as well as to form our own movements more efficiently; on the other hand, they link the individual to her/his fellows, lending support to understand the intentions of others, to better predict their behaviour and to coordinate the actions and emotions of individuals – which means that they are essentially inter-subjective devices within the nervous system. Mirror neurons are located in several areas of the brain and do not form a single, spatially defined part (accounting for roughly 20 percent of the affected areas). Because mirror neurons are richly connected to each other, it can be assumed that despite the spatial heterogeneity, they form a specific network within the brain between functionally more or less distinct parts. It may be relevant for research on morality that the discovery that the structures of the brain containing mirror neurons are in connection with the important emotional centers as the amygdala and the insula. As a result, it becomes possible to emotionally label events or actions (both our own actions and the actions of our peers): to show in an intersubjective manner all those emotions that are related to the actions and events.

If, therefore, the mirror neurons are really the key to empathy – because they ensure direct knowledge of the other person's point of view, of the situation – then moral universality acquires a biological basis. Mirror neurons can help to define a general property belonging to the basic features of human nature that largely determines social behaviour.

Empathy is the human feature that is the basis of moral judgments and moral behaviour – not only in philosophical theories but in a psychological sense as well. From the developmental viewpoint it already appears at an early age, but its full development takes time. Its first signal is the imitation of facial expressions that has also been observed in infancy and can be evaluated as a first step towards understanding the emotional expressions of others. Mirror neurons play an important role as they help to link the other person's face (and emotional state) with the person's own face. In addition to the imitation, this phenomenon can be seen as a form of simulation, as simulating the emotional state of the other individual (“I feel what you feel”) – and with its doing so, the setting of the appropriate neural pathways can occur at an early age. We could say that this is the development of the structure in nervous system, which is the basis for the application of the most common, formulated within many religions and theories as the fundamental, moral rule: “Do not do to others what you would not like to be done to yourself!”. If a person feels how bad the pain is, he will try to avoid it – and as he feels the suffering of other people through the mirror neurons, he shall help them to avoid it as well.

Social stimuli have a great importance as the foundation of social skills already at an early age, an importance that gets even greater later in the processes of socializa-

tion. The enriched social environment is a necessary condition for the development of neural structures, so that later the mirror neurons can be involved in the management of social behaviour, whether in the emotions, even in the meta-communication capabilities, or in cooperation. In fact, probably it is not hyperbolism to root here the ability of self-determination that depends on the interconnection of the individual and her/his partners and communities, as well as belonging to the group (community). The development of group consciousness and a higher level of cultural skills are also worth mentioning as those depend on a community and social environment as well.

To generalize the above remarks: in order to establish the social skills as the bases for moral judgment – or of the idea of the universal moral norm, in a philosophical sense –, an environment that is rich in social stimuli (in which people are in continuous interaction with each other) is needed in the development of the individual.

However, due to social and technological development, this social environment is undergoing fundamental changes. One of the most obvious signs of this change is that after the millennium social contacts are increasingly shifted to the digital environment. The root of the problem is that the social skills have adapted in the course of biological evolution with regards to a small group, personal acquaintances and a social environment based on face-to-face relations; these skills now do not receive adequate and sufficient stimulation during the development. The digital environment drastically reduces the face-to-face forms of communication, which of course is far from unprecedented. The development of communication devices – mostly technological innovations – aims to extend human contacts beyond the limits of space and time. Consequently, some sort of a technical device always intervenes between the communicating parties, preventing the multimodal detection of the other individual possible in personal contact. The digital environment can be interpreted as an extension of this phenomenon. On the one hand, it offers a universal tool that changes the communicating parties to users who have fewer barriers, who can almost constantly be in contact with each other anywhere in the world, any moment in time; on the other hand, as a universal medium it requires a permanent presence of the user, because it is the only way she/he is able to enjoy the benefits of the digital environment.

However, lack of personal, face-to-face communication is inhibiting the user from the use of non-verbal, meta-communicative channels – and it is not the only disadvantage of the digital environment. The application of technical devices affects the behaviour of the user too: in general, the more time someone spends on the use of digital channels, the less time remains for personal communication (researches had been conducted in this direction at Stanford University already from the early 2000s. For example, they have shown that using the Internet one hour longer reduces the time spent on personal communication by half an hour, cf. Nie – Erbring 2002). Using these technical devices, however, requires specific abilities and skills, and these skills reduce the chance and quality of the development of social skills. This is an observable

phenomenon: individuals showing great technical skills are less experienced in social skills than others. Of course, to talk about general social isolation for that reason alone is an obvious exaggeration. The problem is better defined by showing how the foundations of moral behaviour could be learned in the absence of proper circumstances for the development of social skills.

Interesting signals are pointing to the extent to which social interaction has shifted to the digital environment. A significant number of young people are experiencing social isolation when they cannot be online for a long time, and must settle for the limited opportunities offered by offline communication. Actually present friends are only a small part of their community and they continue to demand that those who are not present stay in contact with them through some forms of communication.

However, this can only be a form of communication through a digital device with a graphical interface. Messages sent via the screen are much less tangible, less concrete, more abstract and therefore can be more easily misunderstood than personally communicated messages. The non-verbal modality that provides clues to the correct interpretation of what was said in the circumstances of physical presence is suppressed in these cases. On the moral side, these processes have some consequences that could be considered major obstacles; the non-ethical behaviour is easier to rationalize in the lack of a physical presence, the unethical attitudes are explained by self-justification. The lack of physical presence also leads to the outcome that the communicating parties do not directly face the consequences of their behaviour, so they are often elusive to them. The asynchrony shifts the reaction in time as well, so they seem less and less adequate and can be less and less associated with the earlier manifestations; it gets difficult to decide what was offensive or hurtful?

As a result, users in the digital environment feel much less moral inhibition regarding what they can and cannot do to their chat partners. A significant part of ethical problems amongst Internet users can be traced back to this; it is enough to mention the offensive, sometimes personal, rough tone experienced in online forums, the completely insensitive harassment (cyberbullying) that often – stepping out of the digital environment – turns into a real tragedy. But it is not only the deficit or reduction of moral inhibition; the social norms and rules are less binding for the users than they are in direct communication. Viding and his colleagues have also shown in a recent research that antisocial behaviour may be in close contact with the imperfect functioning of brain areas that are important for empathy, which refers to developmental deficiencies (Viding et al. 2013). The insensitivity amongst young people can be explained from a psychopathological perspective, especially with the functional and structural abnormality of those areas that are involved in empathy (the perception of other person's pain), in the moral decisions and in self-referential thinking (particularly the amygdala, the ventromedial prefrontal cortex, the orbitofrontal cortex and the anterior insula, which are either closely related to mirror neurons or contain them in a higher rate).

The lack of non-verbal and meta-communicative assets are tangible for the users, however, there are relatively narrow options for their replacement. The emoticons as characters transferred from the language of SMS and email are broadly suitable for the display of simple emotional attitudes, but they are not enough to communicate deeper emotional content or reactions; although they are now supplemented with visual elements for emotions (smileys). However, the graphical interfaces in the digital environment include other non-verbal signals, which are mainly trying to imitate or replace human gestures (the most common example is the symbolic 'like' gesture of Facebook).

The gestures and non-verbal signals of emotional attitudes are also important because as stimuli they activate the mirror neurons in a selective manner. Just like the 'like' gesture, these expressions carry other information as well, information that is useful for communicating with partners: it modulates the understanding of the interlocutor's thought. By the activation of mirror neurons in the perception of gestures, individuals are allowed to emotionally recognize the position of their communicating parties. The symbolic gestures of the digital environment could help with that, but their communicative value is by no means equal to the personal presence of gestures.

Therefore, the feeling of empathy that could prevent unethical behaviour appears in a less strong version, since empathy needs nonverbal signals that reflect the state of mind and emotions of another person. And what is even worse, the neural structures that function as grounds for the feeling of empathy are less effectively evolved in childhood, because of the absence of adequate stimuli in a digital environment. In addition to the lack of empathy, from the moral point of view, there is even a serious disadvantage in account of the insufficient performance of the mirror neurons: due to a defect in the rule-following behaviour, the social standards and norms are less compelling factors for the individual than they usually are for someone who has been socialized in face-to-face communications.

Is there a way out? It would be a mistake to think that the digital world constitutes an unavoidable barrier to morality or that it foreshadows the moral decline of communities. As with all technical innovations, it is also true in the case of digital devices that if we know their effects, we can properly use them. If communication is rich in personal, face-to-face situations in the most sensitive age of socialization – and of the development of structures containing mirror neurons –, then the feeling of empathy can be transferred to the digital environment. On the other hand, if we can learn to read the signs of emotional states of another individual that are included in the digital environment, empathy may also be applied just as well as it is in direct communication processes.

One way to achieve this goal is to distinguish between two types of empathy (although, of course, no sharp line can be drawn between them). *Affective empathy* requires personal presence; emotional reception of the other individual's feelings is only possible in circumstances of face-to-face communication, since it is entirely dependent on non-verbal, meta-communicative signs. *Cognitive empathy*, however, aims at

the understanding of the other person's feelings (see Whittier 2013). In this sense, empathy can be learned; the goal is to get acquainted with the other person's emotional attitudes, and to develop the ability that allow empathic, respectful responses by thinking of the emotions of others.

Obviously, we need a new ethical attitude to achieve the reading of those signals provided by the digital environment that refer to the emotional state of another individual. Because of the distance between the communicating parties and the mediated interactions, these can also be quite strained, and there is an even greater need for the parties to act based on firm and general ethical standards. The skills that are the basis of empathy are bound in the biological evolution to communication that assumes personal presence (see Wallis in 2006) –, however, the necessary abilities are those that freely operate in the immaterial, indirect circumstances of digital environment, where the signs of emotions are mediated. On this basis, the Wellesley College faculty formulated the principle of charity, which (similar to the Kantian categorical imperative) could be a general norm in the twenty-first century's communities: "Always try to interpret another's statements in the most positive possible light, both in terms of content and motives" (quoted in Whittier 2013. 232). That is to say, we have to suppose the best intentions of others.

The acquisition of cognitive empathy may therefore be an essential tool to maintain morality in a digital environment. However, this does not mean that it is not equally important to ensure the necessary conditions to the development of affective empathy in education. The support of direct forms of communication, the face-to-face interaction is needed through socialization – it can compensate the negative effects of digital environment and can also retain the weight of the non-verbal and meta-communicative means of expression. This can be supplemented by the acquisition of cognitive empathy. The learning of general ethical standards with full potential is possible through participation in interactions with others, with shared social experience and with immersion in human relations. The social spaces of the digital world should therefore be involved, and it should be ensured that they are not only virtual, but real public spaces – so they will be effective means instead of obstacles to the development of empathy.

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Community and Morality in the Information Age

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Traditional communities can be regarded as moral entities that transform the individual through group pressure. Communal existence allows the individual to transcend himself and find partnership with humanity, and determines the individual's moral decisions and judgements. A community is based on dynamic reciprocity and responsibility, and is a fountainhead of social capital, that is, of a common set of shared moral values, norms and expectations that can be described as social trust that facilitates cooperation for mutual benefit. We argue that though the electronically mediated communication contributes to the construction of new forms of communities which have some level of social capital, these new forms of communities cannot be regarded as moral entities. In other words, the appearance of new forms of communities leads to a new conceptualization of the relationship between community and morality in the information age.

Introduction

A community is a moral entity that allows individuals to transcend themselves and find partnership with humanity, and it therefore possesses some level of social capital. As a common set of expectations and values, the social capital of a community is based on the fact that trust among individuals will allow a community to accomplish more with their physical and mental capacities than the individuals themselves would be capable of on their own. That is, the social capital of a community can be regarded as an ability of people to associate and work together for common communal purposes. Social interaction and communication, relations of trust, communal norms and values influence it and it describes the social networks of individuals along with the various webs of reciprocity. As Robert Putnam notes: “social capital refers to connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise from them” and “calls attention to the fact that civic virtue is most powerful when embedded in a dense network of reciprocal relations” (Putnam 2000. 19).

Thus the well-developed social capital of a community is linked to a strong internal morality in which individuals balance their individual rights with collective responsibility. Collective responsibility appears to be closely bound to an acceptance of moral norms and values. According to Amitai Etzioni (1996), moral order then rests on core values that are shared by a community and are embedded in its social structures. As

Etzioni (1996) suggests, communities often have strong “moral voices” that help to maintain social order in which members accept the shared values voluntarily rather than being forced to do so. Such a “moral voice”, therefore, should encourage individuals and communities to reflect on their shared moral values and to refrain from behaviour that contributes to unsustainable development.

In the information age, the electronically mediated communication contributes to the construction of new, mediated forms of communities which have some level of a social capital, and the functions of which are to foster communities of interest, to spread information, and to promote equality of status, all of which work to enhance social capital, despite the lack of direct physical orientation. The appearance of these new forms of communities leads to the new conceptualization of the relationship between self and community. In the age of electronically mediated communication, the essence of community is a kind of networked individualism in which individuals can choose their own communities, rather than being involuntarily fitted into them with others. Therefore the new mediated form of community implies an individual-centered existence and weaker social ties. New technologies foster communication links outside individuals’ immediate social surroundings.

Accordingly, electronic communication creates a new context in which our notions of morality, community, society, and human interactions become more complex. These more complex notions can be regarded as the bases of the idea of global and local information communities, in which individuals’ communication attitudes are determined by their impression of their “self” as a permanently available individual whose communicative acts are embedded in a special network of communicative interactions. In earlier eras, communal ties were based on what Durkheim (1984) termed mechanical solidarity and were contingent on spatial proximity. In the new forms of communities, however, human relationships have become organic, since communal ties are based more on common values, ideas, and interests. It seems, therefore, that social capital is enhanced when new forms of communities develop around and extend traditional forms of communities.

The aim of this article is to highlight how the appearance of new forms of communities contributes to enhance social capital and how it leads to a new conceptualization of the relationship between morality and community. We argue that although the electronically mediated communication contributes to the construction of new forms of communities which have some level of social capital, these new forms of communities cannot be regarded as moral entities.

Social capital and virtual community

Our conceptualization of moral behaviour and our moral judgments are affected by our communal ties that represent some level of social capital along with technical conditions. In the following, we wish to highlight how the social capital of communities

is enhanced when new forms of communities develop around and extend traditional, physical forms of communities.

Our conceptualization of community, when transformed by the use of electronic media, is strongly embedded in the associative system of conceptual relations that represent the network of various communicative acts, that is, the various situations of information exchange. With such a conceptualization, a mediated community is conceived as a network of communicative interactions. We argue that the way of understanding the interactions between virtual and physical communities moves beyond the traditional sociological conceptualization of community-as-interpersonal, and towards a conceptualization of mediated communities based on the interaction or the operational synthesis of virtual and physical communities.

Just as traditional theories regard community and society as distinct forms, it is also easy to consider physical and virtual communities as mutually exclusive forms of social organization. In this view, a physical community can exist only by virtue of physical co-location in space, and is based on people's natural association through sameness and residential solidarity. Virtual communities, created by electronically mediated communication, however, attempt to break some of the boundaries of geographic location, gender, and ethnicity established in physical communities. In other words, physical communities are based on shared social and physical boundaries, whereas virtual communities are based on shared social practices and interests. The functions of the new forms of communities (to foster communities of interest and equality of status) all work to enhance social capital, despite their lack of direct physical orientation.

Considering the influence of mediated communication on our conceptualization of community, many theorists believe that we need a synthesis of physical and virtual communities in order to truly inhabit our experiences. For example, Manuel Castells (2000) holds that we need a "bridge" between physical and virtual places in order to unify our experience, because virtual communities only deal in fragmented individuals as opposed to real life. Others, like Amitai Etzioni (2001) and James E. Katz et al. (2004), emphasize that the best communities are indeed the hybrids of physical and virtual communities as they have a higher level of social capital. They see ideal communities as virtual communities enhancing physical ones. If the mediated communication actually does increase social capital of communities, then it will be accompanied by a rise in offline contact, civic engagement, and other traditional forms of social capital. It seems that users of new communication technologies are more likely to be involved in community organizations, to be political involved, and to communicate with friends and family, than non-users.

According to Katz et al., since electronically mediated communication becomes inherently part of real life in today's world, "we need an operational synthesis of virtual and physical communities in order to have fulfilling, embodied experiences all of the time" (Katz et al. 2004. 362). In this view, in the age of electronically mediated

communication, the dividing line between virtual and physical communities becomes increasingly indistinct. Therefore, as Mark Poster (2001) shows, mediated individuals imagine their virtual communities as real. That is, the role of communication as meaningful and value-based in virtual communities, works to construct physical communities as well.

It is obvious that with this new synthesis of virtual and physical communities, electronically mediated communication contributes to a new construction of the self. The mediatization of communities leads to fractured and fragmented selves, because it opens up many other possible communities in which to participate. New communication technologies enable individuals to participate in many different systems of values, beliefs, and desires. As Kenneth J. Gergen notes:

The result is that the centered sense of a bounded self slowly gives way to a 'multiphrenia' of partial and conflicted senses of self. Identity becomes fluid, shifting in a chameleon-like way from one social context to another. (Gergen 2003. 111)

Thanks to these changes, the networked individual is less and less attached to the place and position appointed by his (or her) own social ties. Through his multi-channel communicative acts he can become acquainted with more and more communal forms, ways of life, traditions, moral norms, and values in the light of which he can choose more deliberately from among competing local communities. This more deliberate choice becomes a part of the increasingly complex and multi-layered identity of the networked individual. As Joshua Meyrowitz writes on the multiple, multi-layered, fluid, and endlessly adjustable senses of the media-networked individuals' identity:

Rather than needing to choose between local, place-defined identities and more distant ones, we can have them all, not just in rapid sequence but in overlapping experiences [...], we can attend a local zoning board meeting, embodying the role of local concerned citizen, as we cruise the internet on a wireless-enabled laptop enacting other, non-local identities. (Meyrowitz 2005. 28)

New localities—which are particular in many ways, and which are also influenced by global processes and global consciousness—are in the making. Thus, new local communities organized in the space of electronic communication, on the one hand, strengthen local attachments and local identity, and on the other, can be regarded as integrated elements of virtual communities created by global information exchange. Consequently, the global virtual community serves as a kind of comparative background for local communities organized in the age of electronic media. With globalized communication space, electronic media give networked individuals external perspectives from which to judge and define the norms, values, and traditions of their

own local communities. In other words, the twentieth century expansion of electronic communication technologies, as Meyrowitz writes, “have placed an interconnected global matrix over local experience” (Meyrowitz 2005. 23).

Networked individuals in a new virtual social space

The networked individual determines the characteristics, norms and values of his own local community in the light of the information acquired in the global communication space. The global perspective created by electronic communication has transformed not only community-definitions, but the individuals’ relation to social rules and moral norms as well. In the space of electronic communication, there is a new possibility to change the rules of social perception and the national institutions of political and cultural domination as a consequence of new global perspectives.

One of the most characteristic features of the virtual space of electronic communication is that it lacks the compulsory categorization system and the classificatory forms and norms of a print society. In the media-networked global and local communities, it is difficult to maintain several traditional categorical distinctions that characterized print societies. That is, as electronic communication technologies expand, the dividing line between several political and social categories becomes increasingly indistinct.

The age of electronic communication is the age of opening categorical and classificational boundaries. In this new space of communication, the traditional distinctions between private and public, between children and adult experiences, and between male and female spheres, collapse and disappear. In the age of electronic media, as Meyrowitz suggests, we are experiencing “both macro-level homogenization of identities and micro-level fragmentation of them” (Meyrowitz 2005. 29).

A new virtual social space is in the making, which strengthens the cohesion of competing local communities, and in which, therefore, the influence of traditional social and political institutes declines. The new communication situations created by the use of electronic technologies foster greater emotional attachment to local communities that individuals choose from (among competing communities) deliberately without social and political restrictions.

In this new social space, there is a fundamentally new possibility to change the rules of social perception and the conceptualization of the relation between local communities and traditional political institutions. Thanks to these changes, the networked individual is less and less attached to the place and position appointed by his own social class. Through his multi-channel communicative acts, he can become acquainted with more and more communal forms, ways of life, traditions, and values, in the light of which he can choose more deliberately from among competing local communities.

This more deliberate choice becomes a part of the increasingly complex and multi-layered identity of networked individuals.

By using electronic communication technologies, a networked individual becomes part of a network of interactions between others who uniformly accept and apply set rules for the effective exchange of information. In other words, media-networked individuals become members of a virtual community determined both by global and local conditions for effective information exchange.

Regarding the conceptualization of this new virtual community, Nicola Green, for example, argues for a new view of community in which the significance of locality and interpersonalality recedes to the benefit of symbolic processes. As Green points out:

As is the case with internet and 'virtual' communities then, understandings of mobile 'communities' should move beyond the conceptualisation of 'communities-as-interest-groups' (secured via the authentication of the embodied liberal individual and their 'right to privacy'), and indeed beyond a traditional sociological conceptualisation of 'communities-as-interpersonal-and-co-located' (secured via relations based on face-to-face interaction in kinship or social commonality). (Green 2003. 55)

This new conceptualization moves beyond the traditional definition of community, according to which, as Green writes,

[Community] as an ideal type of relation corresponding to 'natural will', is distinguished by an appeal to a totality of cultural history in the collective memory of tradition, is defined through common property, family, custom and fellowship, and is bound by consensus, language and ritual. (Green 2003. 53)

The basis of this conceptualization is a complex system of associative conceptual relations that includes our concept of community, and integrates the conceptual representations of human interactions that determine the life of a community both in a direct and an indirect way.

Morality and values in new forms of communities

As we have seen above, computer-mediated communication has transformed our conceptualization of community and our community life. Users of Facebook, MySpace or Twitter have started to build new forms of communities in the "global village" Marshall McLuhan dreamt of in the beginning of the 1960s (McLuhan 1962). These new forms of communities, placed also in this global space, are characterized by quick information exchange, therefore everybody knows everything about everybody's everyday life and

they do care to share these information with each other. Relationships are getting reshaped among people, social bounds and social roles are reinterpreted. As we mentioned above, these relations are not strictly face to face relations. Users take part in shaping social networks more or less virtually, depending on individual choices. There are some who register on social networks only because she would like to tend to already existing relations of their families and friends easier, quicker and more effectively. On the other hand, there are many who venture beyond their existing circles and wish to form new relationships which, for example, never could be realised in real life because of physical or other constraints, or wish to join bigger communities formed to handle significant issues that they want to become parts of. Web 2.0 enables users to weave their online social presence together with their existing offline nets in a process where the original functions of the internet have changed and have become a shelter for mostly anonymous or pseudonymous identities, creating what we today call the social networks (Vallor 2012).

Besides of their online and offline community members, social network developers, maintaining institutions, companies, governments, civil organisations and other institutions, those who perceive social media as an advertisement surface opportunity also take part in relation-building and net developing through their joint complex web based interactions. Today, due to the internet, the individualist passive receiver consumer culture (Putnam 2000; Riesman et al. 2001) is getting to be replaced by a new one which is more dedicated towards social values.

But, why do we want to live in and to belong to communities that shape frames of our interpersonal relations? Why and how do we want to change our individualist perceptions of life that is based on centuries-old and expanded individual rights? Our communities put a stress on our ethical behaviour through social media: they mediate on themselves through their virtual profiles what to think about the others, moreover, they do the same with how to design our profiles to show it to others or how to behave and how not to behave.

Considering the influence of social media on our conceptualization of community, many theorists believe that we need a general theory of value conflicts and value preferences that can be regarded as consequences of the appearance of new forms of communities. For example, Shalom H. Schwartz (2012) holds that in the information age, we can experience universal conflicts between specific values (e.g. power vs. universalism, tradition vs. hedonism), and between pursuing self-transcendence or self-enhancement values. The appearance of these conflicts leads to several dynamic social processes that may show the way toward a unifying theory of human motivation. Focusing on these social processes, we can stress the importance, firstly, of tendencies of conformity, meaning that online social networkers also need to orientate themselves to the opinions and behaviours of others; secondly, of hedonism which happens to appear as a general value involving openness and individuality (in this interpretation, a hedonist aims to feel good and satisfied); thirdly, we can register the users' claims to be treated as important per-

sonalities, to be honoured by others for their achievements and to have opportunities to show their particular skills to others; finally, for the fourth, we can name universalism as a typical value among internet users: in recent years feeling responsibility for others and for the maintainable environment, caring and support of each other became more intensive. Today, the strengthening of these values indicate that communities may become value-holding alternatives of the individualist approach.

Being present on social networks is a characteristic feature of today's young people, especially of the so called Y generation. During recent years we have conducted or led student researches on social networks. Within the framework of these researches we tried to find out whether in these technical conditions of social networks is it possible to find real ethical communities. In ethical communities people care about each other and about their relationships. We have detected these motivations in Facebook communities. However, maintaining the same community is a more complex commitment. New forms of community-building and community-care are often regarded as quicker and easier supplements of maintaining real relationships. But if the users have to choose about which thing is more important, they choose, for example, to meet a couple of friends personally than to send Christmas postcards to even a hundred of acquaintances, no matter how much easier and quicker the latter option might be. In contrast, regarding vulnerability and the ability to defend themselves, virtual community members are more active than they are in real life, which is also an ethical point of view. They are more brave in asserting their opinion, in redressing offenses, and in defending their friends than they are in real life.

This phenomenon can be explained by the absence of personal contact. In lack of direct personal contact they take confrontation easier. Although users may neglect or erase relations or hide their posts consequently from others, the high visibility and perceived values of online connections make these possible ways less attractive for social based common thinking. This is called the affordance of online technologies (Vallor 2010) so long as they provide a more attractive and more comfortable sample of usage (keeping alternative samples as well for the illusion of choice). In this regard, on social networks such as Facebook, users have to confront the purposes of the portal to defend themselves from disliked opinions. This is why these portals are called moderately democratic social networks. The most important condition of maintaining online communities is that members are able to contact each other actively.

Conclusions

This article holds, on the one hand, that community is a moral entity which has some level of social capital, and, on the other hand, that electronically mediated communication contributes to the construction of new, mediated forms of communities the functions of which are to foster communities of interest, to spread information, and to promote

equality of status, all of which work to enhance social capital, despite their lack of direct physical orientation. We argued that though these new forms of communities have some level of social capital, this social capital is not linked to an internal morality in which individuals balance their individual rights with collective responsibility.

This conception is based on the assumption that meaningful communication, information-sharing can be regarded as a form and resource of the social capital of a community. Developments of key components of social capital (e.g. the norms of reciprocity and trustworthiness) are essential to meaningful communication. That is, communities are built around value-laden access of other people, the ability of trustworthy communication in the information age.

For the present, however, we cannot take online social network communities as to be generally characterized by behaving responsible beyond interpersonal relations and interpersonal ethical bounds. Besides, there are many social initiatives based on primarily online presence, which do not become ethical communities. Their members are able to compel each other to exemplary behaviour, but they can hardly defend themselves from deviant conduct that does not venerate ethical norms, as people have the right to articulate their free opinion. They involve numerous manipulative risks, one of which is that some opinion-leaders may induce increased emotions in their fellows. On this ground, for now it is hard to consider whether the Y generation has just taken the first steps toward a new, responsible social life or is it merely an over-reflected dead end.

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